



FHWA ID No. E8-23669

**US 113 North/South Study**

From South of the Intersection of US 113 and Avenue of Honor to South of the MD State Line,  
Sussex County, Delaware

**MILLSBORO-SOUTH AREA**

**COMBINED FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) /  
RECORD OF DECISION (ROD)**

**SUBMITTED PURSUANT TO**

42 USC 4332(2)(C) and CEQ Regulations (40 CFR 1506.10(b)(2))

by the

**United States Department of Transportation  
Federal Highway Administration**

and the

**Delaware Department of Transportation**

In cooperation with:

**United States Army Corps of Engineers  
United States Environmental Protection Agency  
United States Fish and Wildlife Service**

10/16/2017  
Date of Approval

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10/11/2017  
Date of Approval

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The purpose of this project is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic. The needs of the US 113 North/South Study: Millsboro-South Area project are: (1) meeting the growing traffic demand created by existing and future development; (2) addressing safety issues; (3) preserving a transportation corridor; (4) considering modal interrelationships; and (5) maintaining consistency with state and local plans for transportation systems.

The project area in Sussex County, Delaware, is centered on US 113, and has not changed since the Supplemental DEIS (SDEIS) was published in December 2016 and the Draft EIS (DEIS) was published in August, 2013.

FHWA has prepared a combined FEIS/ROD in accordance with the FHWA Moving Ahead for Progress in the 21st Century (MAP-21) and FAST (Fixing America's Surface Transportation) Act guidance. Section 1319(b) of MAP-21 directs the lead agency, to the maximum extent practicable, to expeditiously develop a single document that consists of an FEIS and ROD, unless: (1) the FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or (2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action. This combined FEIS/ROD includes references to the DEIS and SDEIS, as appropriate.

Additional project information, including an electronic version of this document, is available on the project website, <http://deldot.gov/information/projects/us113/>. The following persons may be contacted for additional information concerning this document:

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## EXECUTIVE SUMMARY

This Final Environmental Impact Statement (FEIS) has been prepared to present the final environmental impacts of the US 113 North/South Study: Millsboro-South Area. This study updates the Draft Environmental Impact Statement (DEIS) published in August 2013 and the Supplemental Draft Environmental Impact Statement (SDEIS) published in December 2016, reflecting all changes to the project and changes to potential impacts. Sections that remain unchanged since the DEIS and SDEIS reference the location in both documents where the information can be found. The DEIS and SDEIS are also available online at <http://www.deldot.gov/information/projects/us113/>.

The DEIS was released for public review and comment on August 16, 2013. DEIS Public Hearings were held on September 18 and 19, 2013 and were followed by a comment period ending October 4, 2013. Due to public opposition, the Delaware Department of Transportation (DelDOT) and the Federal Highway Administration (FHWA) agreed to reconsider the Purpose and Need of the project and the Recommended Preferred Alternative. An SDEIS was prepared pursuant to 23 CFR §771.130 to review changes made to the US 113 North/South Study: Millsboro-South Area since the publication of the DEIS. The SDEIS was released for public review and comment on December 9, 2016 followed by a formal comment period ending on February 28, 2017. A Public Hearing was held on February 7, 2017. All comments received, including written comments and Public Hearing testimony, are included in **Appendix B** with responses.

This FEIS reflects the updated Purpose and Need and the modified alternative that meets the revised Purpose and Need.

### **A. Purpose and Need**

The purpose of the US 113 North/South Study: Millsboro-South Area is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic. The needs of the US 113 North/South Study: Millsboro-South Area project are: (1) meeting the growing traffic demand created by existing and future development; (2) addressing safety issues; (3) preserving a transportation corridor; (4) considering modal interrelationships; and (5) maintaining consistency with state and local plans for transportation systems.

The original purpose of the US 113 North/South Study included a continuous, limited access facility through Sussex County from the Maryland/Delaware state line to SR 1 near the Dover Air Force Base, thereby completing a limited access corridor throughout the State of Delaware. In response to comments on the DEIS, the provision for a limited access roadway was removed from the Millsboro-South Area of the project.



## **B. Alternatives Considered**

DelDOT has identified the Preferred Alternative through a comprehensive screening of alternatives to meet the Purpose and Need for the project.

### **Alternatives Development and Screening**

Four broad-ranged concepts, in addition to a No-Build condition, were initially considered in the project development process including No-build, Transportation Systems Management (TSM), Mass Transit, and build alternatives. Five build alternatives utilizing both the existing alignment of US 113 and new alignments (eastern and western bypasses) were developed. DelDOT determined that the Mass Transit and TSM alternatives would not meet the Purpose and Need for the project, so these alternatives were removed from further consideration. The build alternatives were carried forward for further evaluation in comparison to the No-build Alternative.

Initially, 20 individual segments were combined to create bypass alternatives and an on-alignment alternative. Based on evaluations of the environmental impacts of the build alternatives and their ability to meet project Purpose and Need, as well as engineering considerations, resource agency consultation and coordination, and public input, numerous segments and alternatives were eliminated from consideration. One on-alignment alternative and four bypass alternatives, along with the No-build Alternative, were retained for further study.

The build alternatives retained for detailed study were designated by colors: on-alignment (Yellow Alternative), western bypasses (Green Alternative and Purple Alternative), and eastern bypasses (Red Alternative and Blue Alternative). The Yellow, Green, Purple, Red, Blue, and No-build Alternatives were evaluated in the DEIS. The Blue Alternative was identified as the DEIS Recommended Preferred Alternative.

DelDOT subsequently reconsidered the findings of the DEIS in response to public opposition to the Blue Alternative during the DEIS Public Hearings in September 2013, and modified the Purpose and Need for the project to remove the provision for a limited-access roadway. The SDEIS was developed to evaluate the Modified Yellow Alternative, which was carried forward as the Preferred Alternative in this FEIS.

## **C. Preferred Alternative**

The Preferred Alternative includes a two-lane State Route (SR) 24 Connector on new alignment, along with widening a segment of the existing alignment of US 113 in Millsboro from four to six lanes. The Preferred Alternative will retain the existing typical section of US 113 and at-grade access, both signalized and unsignalized, south of Millsboro between the SR 20 (Dagsboro Road) intersection with US 113 and the Delaware/Maryland state line. US 113 will be widened from four to six lanes beginning at the SR 20 intersection with US 113, south of Millsboro, extending approximately 2.8 miles north to Betts Pond Road. A majority of the widening will be constructed in the existing grass median or within the existing adjacent right-of-way. The Preferred Alternative will eliminate six unsignalized crossovers and retain four existing signalized intersections along this stretch of roadway.



The new two-lane SR 24 Connector will tie into a realigned segment of SR 20 (Hardscrabble Road) west of US 113 and cross US 113 about 300 feet north of the existing intersection with SR 20 via a new grade-separated intersection. The SR 24 Connector will tie into existing SR 24 about 2.3 miles east of US 113, which is about one mile east of the existing SR 24 crossing near Millsboro Pond. The SR 24 Connector will include new overpasses at Fox Run Road, the Norfolk Southern railroad, and SR 30. The new alignment will also cross Millsboro Pond with two proposed, multi-span bridges.

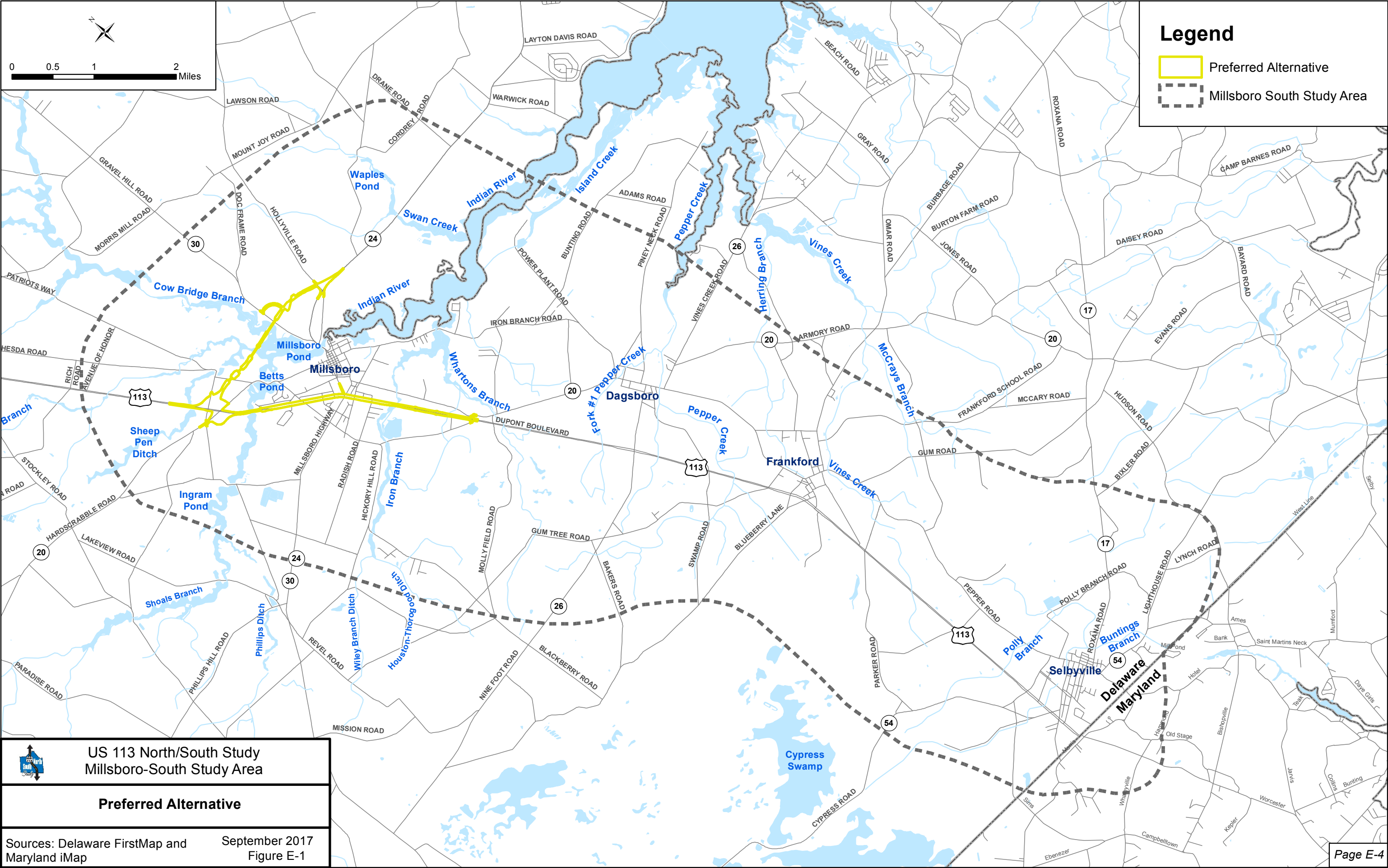
Minor refinements were made to the Preferred Alternative in response to public comments received on the SDEIS. The cul-de-sacs previously included at Monroe Street, Wharton Street, and Houston Avenue have been removed; all three locations will retain right-in/right-out access to US 113. **Figure E-1** shows the study area and the Preferred Alternative.

The Preferred Alternative has been identified, in consideration of public and agency input, as the alternative that will best meet the Purpose and Need while minimizing environmental impacts. The Preferred Alternative will meet all elements of the Purpose and Need including: (1) meeting the growing traffic demand created by existing and future development; (2) addressing safety issues; (3) preserving a transportation corridor; (4) considering modal interrelationships; and (5) maintaining consistency with state and local plans for transportation systems.

The Preferred Alternative will accommodate growing traffic demand in the study area. Future land development and economic growth in Sussex County and its municipalities, the increased use of the resort area in southeastern Sussex County (both in the summer and throughout the year), and the projected increase in regional traffic traveling through the Delmarva Peninsula all contribute to the need to increase accessibility and mobility in the study area.

Additionally, the Preferred Alternative will remove several crossovers on US 113, provide additional turn lanes, and improve congestion by adding capacity. These modifications are expected to improve safety conditions in the study area. Emergency service response and emergency evacuation will be improved under the Preferred Alternative. The proposed improvements along US 113 and SR 24 in the Millsboro-South Area will provide additional traffic capacity, leading to safer and more efficient response times for emergency services and evacuations during emergencies. Additionally, some of the existing crossovers may be converted to serve only emergency services, when needed.

Preserving a north-south transportation corridor along US 113 has been a priority throughout Sussex County since the US 113 North/South Study was initiated in the early 2000s. While the on-alignment improvements to US 113 no longer include the provision of limited access, the proposed improvements will increase the compatibility of the Millsboro-South Area with the connecting sections of US 113 north and south of the study area. The Millsboro-South Area is an important link within the corridor that, when deficiencies are addressed, will establish system compatibility and continuity and permit US 113 to more effectively serve future transportation needs.







The Preferred Alternative has been developed in consideration of public and agency input. The earlier Blue Alternative, identified as the Preferred Alternative in the DEIS, was reconsidered in response to public concerns regarding the environmental impacts and property acquisition required. The extent of new roadway alignment has been significantly reduced in the Preferred Alternative and DelDOT has worked with the public to avoid and minimize impacts along the alignment wherever possible. The SR 24 Connector, paired with improvements to existing US 113, will fully meet the current Purpose and Need for the project while reducing impacts. Furthermore, the Preferred Alternative maintains consistency with multiple state and local programs and plans to accommodate future development without degradation of the capacity of US 113.

## D. Affected Environment and Environmental Consequences

The impacts of the Preferred Alternative as compared to the No-build Alternative are summarized in **Table E-1**. These impacts are calculated based on the limits of disturbance, as determined by the level of design at the time of analysis, and may change as the design is refined.

Generally, existing conditions in the study area have not changed substantially since the publication of the SDEIS or DEIS, and more information is detailed in those documents. Details regarding the proposed impacts of the Preferred Alternative may be found in **Chapter 3** of this FEIS. Slight changes to some impacts have occurred since the SDEIS, reflecting the elimination of cul-de-sacs from the Preferred Alternative design at Monroe Street, Wharton Street, and Houston Avenue, in response to public comment.

**Table E-1: Impact Summary**

Resource	No-Build Alternative	Preferred Alternative
<b>Length</b> (miles)	0	5.1
<b>Preliminary Cost</b> (millions of dollars)	0	\$96-\$116
<b>Wetlands</b> (acres)	0	0.8
<b>Stream Impacts</b> (linear feet)	0	1,042
<b>Subaqueous Lands</b> (linear feet)	0	1,042
<b>Tax Ditches</b> (linear feet)	0	0
<b>Rare, Threatened and Endangered Species</b> (number)	0	14
<b>Prime Farmland Impacts</b> (acres)	0	4.6
<b>Cultural Resources Impacts</b>		
# NRHP Listed/Eligible Sites Potentially Impacted	0	2
# Known Archaeological Sites in the Limits of Disturbance	0	0
<b>Properties Potentially Subject to Section 4(f)</b>		
# Publicly-owned Parks and Recreation Areas	0	1
# Cultural Resources <sup>1</sup>	0	2
<b>Section 6(f) Property Impacts</b>		
Properties Purchased with Land and Water Conservation Fund	0	0
<b>Natural Area Impacts</b>		
State Nature Preserves (acres)	0	0
<b>Environmental Justice</b> (Disproportionate and Adverse Impacts)		
Populations in Poverty	No	No
Minority Populations	No	No





Resource	No-Build Alternative	Preferred Alternative
<b>Community Facilities Impacts</b>		
Schools	0	0
Churches	0	1
Cemeteries	0	0
Parks and Recreational Facilities	0	0
<b>Relocations</b>		
# of Residential Properties	0	4
# of Business Properties	0	2
# of Agricultural Properties	0	1
# of Other Properties/Non-Profits	0	0
<i>Total</i>	<i>0</i>	<i>7</i>
<b>Other Considerations</b>		
Agricultural District Impacts (number / acres)	0 / 0	1 / 2.0
Agricultural Preservation Easement Impacts (number / acres)	0 / 0	0 / 0
Forest Land Impacts: 2007 Land Use (acres)	0	11.4
Air Quality (Number of sites that exceed NAAQS for CO)	0	0
Noise Impacts	0	54

*Note: The data in this table are from a variety of sources and from different dates. More details are provided in Chapter 3.*

*1. The Perry Shockley House referenced in the DEIS has been demolished.*

### Socioeconomic Conditions (FEIS Section 3.1)

The Preferred Alternative would affect a total of 68 properties and would require seven relocations. Most of the impacted acreage is currently used for agriculture. The Preferred Alternative would impact 41 existing businesses along the alignment, requiring two relocations.

The identification of Environmental Justice (EJ) populations was updated for the SDEIS and presented in this FEIS to include 2014 Census Block Group data from the US Census Bureau. No disproportionately high and adverse effects to EJ communities would occur from the Preferred Alternative.

### Land Use (FEIS Section 3.2)

Implementation of the Preferred Alternative would result in the conversion of land from its present uses to transportation land use, primarily in order to construct the new SR 24 Connector alignment. The Preferred Alternative would predominantly impact agricultural and forested land. Impacts from improvements to the existing US 113 alignment would primarily occur within areas currently classified as transportation land use. The Preferred Alternative would directly impact 18 farm parcels and 84.8 acres of agricultural land.

### Community Facilities and Services (FEIS Section 3.3)

The Preferred Alternative would improve travel patterns for vehicles, trucks and buses by decreasing traffic and reducing congestion along US 113 and surrounding roadways. The Preferred Alternative provides an additional lane in each direction along US 113 for approximately 2.8 miles (between SR 20 and Betts Pond Road), increasing the roadway's capacity and improving traffic flow. The new SR 24 Connector would provide increased accessibility, mobility, and safety by providing an additional east/west connection to existing SR 24 and reducing traffic through downtown Millsboro.



The Preferred Alternative would not directly impact neighborhoods, schools, cemeteries, libraries, emergency services, or health care facilities. DelDOT would coordinate with the Indian River School District to minimize disruptions to school bus routes. The Preferred Alternative would require modified access to the Dickerson Chapel AME Church. The Preferred Alternative would have a *de minimis* impact on Millsboro Pond, as described below.

#### **Aesthetics and Visual Quality (FEIS Section 3.4)**

The new roadway alignment construction would be less than three miles, resulting in visual impacts in the Town of Millsboro and the surrounding area north of the Indian River. Due to the scattered nature of housing in the study area, mitigation for visual impacts is not feasible. Improvements to the existing US 113 corridor would mainly stay within existing transportation right of way and would thus have minimal visual impact.

#### **Cultural Resources (FEIS Section 3.5)**

The Section 106 Memorandum of Agreement (MOA) has been developed to formalize Section 106 consultation, resolve adverse effects, and present a mitigation plan for all adversely affected historic properties, including a plan to identify and evaluate archaeological sites (**Appendix C**). If the project would have an adverse effect on historic buildings, DelDOT, in consultation with the State Historic Preservation Office (SHPO) and the property owner, would develop a mitigation plan. The Final MOA establishes the process for identifying archaeological resources within the study area of the Preferred Alternative and evaluating eligibility for the National Register of Historic Places (NRHP).

#### **Section 4(f) Resources (FEIS Section 3.6)**

Based on the Section 4(f) analysis and consultation with officials with jurisdiction conducted to date, the FHWA has determined that the Preferred Alternative will have a *de minimis* impact to Millsboro Pond. The impact to the property's key features would be minimal, and would convert an estimated 1.65 acres to a transportation use, with an additional 0.20 acres required for temporary use for the construction of bridge piers in the pond. Millsboro Pond is approximately 151 acres in size. The Preferred Alternative would be designed to maintain at least six feet of vertical clearance to allow for continued recreational access for boats and other small watercraft. The Preferred Alternative would not disrupt access via the Delaware Department of Natural Resources and Environmental Control (DNREC) boat ramp on SR 30. No other properties will incur a Section 4(f) use. Agency comments and public input on the project have been shared with jurisdictional officials consistent with 23 CFR 774.5(b).

#### **Energy (FEIS Section 3.7)**

In the long term, the energy consumption resulting from projected traffic congestion in 2040 with the No-build Alternative is likely to exceed the energy consumption associated with the Preferred Alternative in place, and may exceed the initial energy consumption for construction.

#### **Air Quality (FEIS Section 3.8)**

Two project-level analyses were conducted for this project: an Intersection Analysis and Construction Emissions Inventory, as described in **Section 3.8** and the **SDEIS Air Quality**



**Technical Report.** The Preferred Alternative would not cause or contribute to a violation of the NAAQS. Emissions from construction activities would be reduced by performing construction activities in accordance with DelDOT's Road Design Manual as well as following best management practices (BMPs).

### **Noise (FEIS Section 3.9)**

Fifty-four properties are predicted to have noise impacts under the Preferred Alternative. Mitigation was determined to not be feasible and reasonable for any Noise-Sensitive Area (NSA).

### **Hazardous Materials (FEIS Section 3.10)**

One hazardous material site is anticipated to be impacted by the Preferred Alternative. Based upon the available information, there is no evidence of environmental contamination that would render the project area unsuitable for development. During the preliminary plan stages, the DelDOT Hazardous Materials (HazMAT) Section would make the determination on whether or not a Phase I hazardous materials characterization is required.

### **Natural Environment (FEIS Section 3.11)**

The Preferred Alternative would create 4.4 acres of new impervious surface in previously undisturbed areas, and would impact both hydric and prime farmland soils. The Preferred Alternative would impact less than one acre of floodplains, and one open water resource (Millsboro Pond). The Preferred Alternative would impact a total of 1,042 linear feet of streams, 1,042 linear feet of subaqueous land, and 0.8 acres of palustrine forested wetland. Delaware's Sediment and Stormwater Regulations are intended to minimize the amount of nonpoint source pollution that reaches waterways by utilizing BMPs and other acceptable stormwater management techniques as determined at the design stage.

A total of 82.6 acres of undeveloped upland habitat would be impacted by the Preferred Alternative, including 11.4 acres of forest and 71.2 acres of agricultural land. A total of 14 rare, threatened, and endangered (RTE) species would be potentially impacted by the Preferred Alternative. Information on mitigation for natural resource impacts can be found in Section F below.

### **Construction Impacts (FEIS 3.15)**

The impacts associated with construction have not changed substantially since the publication of the DEIS. Refer to **Section 3.14** of the **DEIS** for more information. Access to properties would need to be maintained during construction of the SR 24 Connector. Utility issues would also be associated with the secondary roads that are intersected by the Preferred Alternative. The SR 24 Connector will require two bridge crossings of Millsboro Pond. The roadway profile of the connector has been conceptually designed based on the available information to maintain an adequate clearance while minimizing structure height for constructability. More information on constructability of the SR 24 Connector is included in **Section 3.15**.



### **Secondary and Cumulative Effects (FEIS Section 3.18)**

The Preferred Alternative would have few overall secondary and cumulative effects. The new roadway alignment would be less than three miles in length (for a total of 5.1 miles of improvements including the US 113 on-alignment portion). This would minimize potential secondary and cumulative effects to the Town of Millsboro and the surrounding communities. Secondary effects may include changes in the location and timing or rate of planned development within the Secondary and Cumulative Effects Analysis (SCEA) boundary. Potential cumulative effects include incremental additional impacts, added to the effects of other public and private development to: socioeconomic resources; farmland; cultural resources; streams and wetlands; floodplains; water quality and aquatic habitats; rare, threatened, and endangered species; forests; and individual properties.

### **E. Avoidance and Minimization**

DelDOT has worked continually throughout the alternatives development process to avoid and minimize environmental harm wherever possible. The Preferred Alternative identified in this FEIS would meet the Purpose and Need of the project while minimizing overall environmental harm. The Modified Yellow Alternative was identified in the SDEIS as a less impactful alternative compared to the Blue Alternative, which was identified in the DEIS as the Preferred Alternative. The Blue Alternative included a significantly longer portion of new roadway alignment requiring substantial acquisition of property, displacements, and impacts to wetlands, habitat, and waterways. The Preferred Alternative would substantially reduce impacts to all environmental resources due to a much shorter proposed new roadway alignment.

The SR 24 Connector alignment was developed through an iterative design process whereby environmental impacts were minimized and avoided. DelDOT considered agency and property owner input throughout the design process, and the resulting alignment would have minimal impact to property owners, businesses, community facilities, agriculture, natural resources, and other environmental resources in the vicinity. Of particular note, the alignment was designed to avoid impacts to the Doe Bridge Nature Preserve and minimize impacts to Millsboro Pond. DelDOT would continue to seek avoidance, minimization, and mitigation measures through final design and construction.

### **Socioeconomic, Land Use, and Community Facilities**

The Preferred Alternative has been designed to minimize and avoid impacts to residences, land uses, and businesses. As detailed in the SDEIS, impacts to socioeconomic resources have been substantially reduced relative to the Blue Alternative. Overall, the Preferred Alternative would have minimal adverse impacts to residential communities, community facilities, and businesses. The Preferred Alternative was designed to avoid and minimize impacts to recreation at Millsboro Pond, and would have a *de minimis* impact per Section 4(f) on the recreational facility. The alignment was designed to minimize the footprint of the crossing over the pond and to avoid affecting existing recreational uses.



### **Cultural Resources**

Throughout the NEPA process, environmental analysis, and agency coordination, DelDOT has consulted with the SHPO and the Sussex County Preservation Planner about the project's potential effect on historic properties. The public, including impacted or involved historic property owners, has been consulted throughout the planning process.

### **Natural Environment**

The Preferred Alternative has been designed to avoid and minimize natural environmental impacts where possible. The length of new roadway alignment has been substantially reduced from the Blue Alternative. The Preferred Alternative would have substantially less impact to forests, waters, wetlands, habitat, and other natural resources when compared to the Blue Alternative. The proposed alignment minimizes impacts to Millsboro Pond. Construction of the bridge over Betts Pond would stay within the existing right of way of US 113 and is not likely to impact the pond further. The Preferred Alternative was conceptually located to avoid any impact to the Doe Bridge Nature Preserve. Because the main alignment of the SR 24 Connector would be located at least 500 feet from the southern border of the Doe Bridge Nature Preserve, no impacts to the nature preserve are anticipated.

### **F. Mitigation**

This section describes the mitigation commitments included in the FEIS to address environmental impacts that could not be avoided or minimized. DelDOT would implement these mitigation commitments and continue to seek further opportunities to reduce and mitigate impacts throughout the final design and construction process.

### **Socioeconomic and Land Use**

For relocations, owners would be provided assistance in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended, and DelDOT's policies. Relocation assistance would be provided to businesses, residences, and farms displaced by the construction of the Preferred Alternative. In the case of agricultural preservation lands, compensation would be determined based on the "highest and best development use of the property with no consideration given to the restrictions and limitations" of the preservation agreement (3 *Delaware Code, Chapter 9, Subchapter IV, Section 922*). Compensation would also be provided for any farmland that may be unsuitable or inaccessible for farming purposes as a result of the roadway improvements. Additionally, DelDOT would consult with the owners/developers of planned developments at Del Pointe, Plantation Lakes, and other affected planned development areas to provide appropriate compensation for property acquisitions. The project's Relocation Plan would be available for review in project administrative files maintained by DelDOT.

### **Community Facilities**

Coordination would continue through final design and construction of the Preferred Alternative to ensure minimal disruption to community facilities and services. DelDOT would coordinate with the Indian River School District to minimize disruptions to school bus routes. Delays in emergency response times may occur during construction. However, coordination with emergency providers would occur prior to and during construction to minimize impacts. If any graves are identified





during construction of the Preferred Alternative, DelDOT would seek to avoid direct impacts to those areas.

### **Cultural Resources**

The Section 106 MOA has been developed to formalize Section 106 consultation, resolve adverse effects, and present a mitigation plan for all adversely affected historic properties, including a plan to identify and evaluate archaeological sites (**Appendix C**). On August 24, 2016, FHWA notified the Advisory Council on Historic Preservation (ACHP) and the federally-recognized Native American tribes of the revised draft MOA including the intent to include a copy of the Draft MOA in the SDEIS.

If eligible archaeological sites are identified and affected, DelDOT would make a reasonable effort to avoid these sites or to minimize applicable impacts. If the eligible sites cannot be avoided, DelDOT would apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5 and traditional or alternative forms of archaeological mitigation would be utilized. These are addressed in the Final MOA (refer to **Appendix C**).

### **Hazardous Materials**

During final design, the DelDOT Hazardous Materials (HazMAT) Section would make a determination regarding whether or not a Phase I hazardous materials characterization is required. If, during the Phase I site characterization, hazardous materials are found to exceed the DNREC and/or the Environmental Protection Agency (EPA) reporting requirement limits, the DelDOT HazMAT Team would work with DNREC to document the extent of the contamination and develop a remedial action work plan to effectively limit human and environmental exposure to the contaminants during the construction of the project.

A contingency inspection and monitoring item and worker health and safety plan would be incorporated into the contract bid documents, if required. All work would be undertaken in compliance with the following state and federal laws: *Hazardous Substance Cleanup Act* (HSCA); *Comprehensive Environmental Recovery and Compensation Liability Act* (CERCLA); and *Resource Conservation and Recovery Act* (RCRA).

### **Natural Environment**

Coordination with resource agencies and the development and implementation of minimization and mitigation measures would continue throughout final design and construction. In compliance with Delaware's Sediment and Stormwater Regulations, the amount of nonpoint source pollution from new impervious surfaces that reaches waterways would be minimized by utilizing BMPs and other acceptable stormwater management techniques as determined at the design stage. Surface water and water quality impacts may be mitigated, if necessary, based on coordination with regulatory agencies.

Mitigation of impacts to floodplains would be accomplished by following the general guidelines for the design and construction of culverts and bridges listed in the National Flood Insurance Program. Additionally, the incorporation of stormwater management ponds during construction of



the proposed project would meet the standards designed to reduce stormwater flows as required by the *Delaware Sediment and Stormwater Law* and the *Delaware Sediment and Stormwater Regulations*. Open water, wetland, and linear waterway impacts would be mitigated, if necessary, based on function and value assessment and coordination with the regulatory agencies.

While DelDOT is committed to on-going coordination with the Office of Nature Preserves within DNREC, the need for permits is not anticipated regarding the Doe Bridge Nature Preserve because the Preferred Alternative avoids any impacts. The Preferred Alternative would be constructed in accordance with Delaware's *Landscaping and Reforestation Act*, and mitigation would be performed in accordance with Appendix A of DelDOT's *Road Design Manual*.

Ongoing coordination would be conducted with regard to rare, threatened, and endangered species in the study area. Consultation with the United States Fish and Wildlife Service (USFWS) and DNREC would be required prior to construction to determine the exact location and extent of the buffers around existing Bald Eagle nests and any further site-specific restrictions. A more detailed search for swamp pink, which has been located within some of the stream valleys in the study area, would be conducted along each stream and wetland crossing associated with the Preferred Alternative prior to construction. If an occurrence of swamp pink is found, Section 7 consultation with the USFWS would be initiated.

Many of the state-listed species as well as unique natural communities are associated with the Waters of the United States (WOUS), which are protected under Section 404 of the Clean Water Act. Impacts to WOUS are avoided and minimized in the Preferred Alternative, in turn minimizing impact to state-listed species. The project team and DNREC would meet at various points throughout the design process to discuss potential impacts to state-listed species and determine potential avoidance and minimization. Additional coordination with the DNREC's Division of Fish and Wildlife would occur during final design to develop mitigation measures to help protect state-listed species and unique natural communities.

### **Construction**

Strict adherence to both temporary and permanent erosion and sedimentation controls, as outlined in the current version of the *Delaware Erosion and Sedimentation Control Handbook*, would minimize impacts to nearby water resources from sedimentation during construction. Wherever feasible, erosion control measures would be retained as permanent features in the roadway design. Construction impacts would also be mitigated by performing work adjacent to waterways during periods of low flow. Extreme caution would be exercised to prevent spilling of materials, fuels, and lubricants into waterways during construction. In the event any contractor discharges any contaminant that may affect water quality, the appropriate local, state, and federal agencies would be immediately notified and immediate action taken to contain and remove the contaminant.

Temporary detours and delays to local traffic would occur during construction, along with a temporary increase in truck traffic. Designated truck routes and staging areas as part of the construction transportation management plan would be used to mitigate impacts from construction. Maintenance of the current flow of traffic on the existing roadway network would be planned and



scheduled to minimize traffic delay throughout construction. Traffic control measures would use standard practices as defined in DelDOT's *Traffic Controls for Street and Highway Construction and Maintenance Operations*. DelDOT would prepare news releases and schedules of construction activities and make them available to the public.

Air quality impacts from construction would be temporary and would consist primarily of emissions from diesel-powered construction equipment and fugitive dust. Emissions from construction activities would be reduced by performing construction activities in accordance with DelDOT's *Road Design Manual*<sup>1</sup> as well as the following BMPs as appropriate:

- Reduction of exposed erodible surface area through appropriate materials and equipment staging procedures;
- Covering of exposed surface areas with pavement or vegetation in an expeditious manner;
- Reduction of equipment idling times;
- Reduction of vehicles speeds onsite;
- Ensuring contractor knowledge of appropriate fugitive dust and equipment exhaust controls;
- Soil and stock-pile stabilization via cover or periodic watering;
- Use of low- or zero-emissions equipment;
- Use of covered haul trucks during materials transportation;
- Reduction of electrical generator usage, wherever possible; and,
- Suspension of construction activities during high-wind conditions.

Noise and vibration impacts from construction and additional traffic generated by construction activity would be mitigated to avoid substantial impacts to noise-sensitive land uses. Construction activities would typically be limited to weekday daylight hours, in accordance with local ordinances. Should the contractor need to deviate from normal work hours, DelDOT has mechanisms in place to work with the affected community to minimize impacts from the change in hours. Some potential mitigation measures that may be employed include adjustments to equipment, provision of temporary noise barriers, distribution of noise events, communication with the public, and financial incentives to contractors.

DelDOT would coordinate with the appropriate service providers for any required movements of utility lines. Construction would be phased to minimize service interruptions. All contractors would be required to comply with federal, state, and local laws governing safety, health, and sanitation during the course of construction.

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<sup>1</sup> Delaware Department of Transportation (DelDOT), *Road Design Manual*, July 2004 (Revisions made on December 13, 2004), [http://deldot.gov/information/pubs\\_forms/manuals/road\\_design/index.shtml](http://deldot.gov/information/pubs_forms/manuals/road_design/index.shtml).



## G. Public Involvement Program

The US 113 North/South Study has included a robust public involvement program since the onset of the study. DelDOT, in cooperation with FHWA, has coordinated with local, state, and federal entities and has engaged in an extensive public involvement effort throughout the study process to provide information and solicit feedback. Agency and public involvement began early with stakeholder interviews, the formation of a Working Group, and a program of public outreach, which included mailings to more than 8,000 addresses, radio announcements, a video, a project website, and public workshops and public hearings.

The agency and public feedback received in response to these coordination efforts was used in the development of the Purpose and Need, alternatives, and environmental analysis and methodologies included in the DEIS, SDEIS, and this FEIS. Furthermore, public and agency input has played a major role in the development and advancement of alternatives, including the identification of the Preferred Alternative.

The August 2013 DEIS identified the Blue Alternative as DelDOT's Preferred Alternative. Subsequent to the release of the DEIS in August 2013, DelDOT and FHWA conducted two DEIS Public Hearings/Workshops and one SDEIS Public Workshop. DEIS Public Hearings/Workshops were held on September 18 and 19, 2013. The purpose of the hearings/workshops was to update the public on activities that had occurred since the May 2010 workshops, review the Alternatives Retained for Detailed Study, and obtain comments on the DEIS and the Blue Alternative.

Substantial public feedback was received, primarily indicating opposition to the Blue Alternative and the environmental impacts that the alternative would cause. DelDOT considered this public input and identified a new path forward for the project. On October 14, 2015, DelDOT held a Public Workshop at the Millsboro Civic Center to update and inform area residents that the previous Blue Alternative was no longer being considered. Instead, DelDOT changed the focus to a Modified Yellow Alternative. A total of 327 people attended the meeting and 107 comment forms were submitted at the workshop and during the designated workshop comment period. The comments were generally in support of the SR 24 Connector and/or US 113 widening; however, there were many comments that opposed the SR 24 Connector as shown. Based on these comments, several modifications were made to the design of the SR 24 Connector.

The US 113 North/South Millsboro-South Area SDEIS was published in December 2016. The public was provided the opportunity to give feedback on the SDEIS during the official comment period that extended from December 30, 2016 to February 28, 2017. A Public Hearing was held on February 7, 2017 to inform the public of the SDEIS and provide opportunity for oral and written comments. A total of 372 people attended the Hearing, 70 comment forms were submitted at the Hearing, and nine people provided oral testimony. An additional 17 comments were received via letter, comment form, or email during, or shortly after, the official SDEIS comment period. Additional minor modifications have been made to the Preferred Alternative based on input received at the SDEIS Public Hearing and during the comment period. The feedback and summary responses to the comments received at the Hearing and during the formal comment period are documented in **Appendix B**. Additional information is included in **Chapter 4**.



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## CHAPTER 1 – PURPOSE AND NEED

### 1.1 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared to present the final environmental impacts of the US 113 North/South Study: Millsboro-South Area. The study updates the previously published Draft Environmental Impact Statement (DEIS) (2013) and Supplemental Draft Environmental Impact Statement (SDEIS) (2016), reflecting all changes to the project and the changes to potential impacts. Sections that remain unchanged since the DEIS reference the location in the DEIS where the information can be found. The DEIS may be found online at <http://www.deldot.gov/information/projects/us113/>.

#### 1.1.1 Background

The US 113 North/South Study has a long history, beginning in 2001 with an initial feasibility study. The Millsboro-South Area is a portion of the larger US 113 North/South Study, extending from Milford, Delaware to just south of the Maryland/Delaware line. Originally, the Millsboro-South Area was a component of the larger Georgetown-South Area, which extended further north along US 113, ending near Ellendale. After preliminary studies and extensive outreach to the resource agencies and general public, the Federal Highway Administration (FHWA) determined it was appropriate to separate the Georgetown Area from the remaining portion of the previous Georgetown-South Area. The Millsboro-South Area DEIS was published on August 16, 2013. For further information on the project history, refer to **Section 1.1.1** of the **SDEIS**.

*For the sections of this FEIS where data or information remains unchanged from the SDEIS, a reference is provided to the section of the SDEIS where the original information may be found.*

The SDEIS was published on December 9, 2016, followed by a formal comment period ending on February 28, 2017. The SDEIS was developed to reflect changes to the project in response to comments on the DEIS. The purpose of the project was modified to remove the provision for a limited access roadway. Design modifications were also made to provide a new two-lane SR 24 Connector north of Millsboro and to widen existing US 113 from four to six lanes between SR 24 and SR 20 (Dagsboro Road). This modification to the Yellow Alternative (on-alignment), which was presented in the DEIS, was referred to as the SDEIS Preferred Alternative in the SDEIS. A Public Hearing was held on February 7, 2017. All comments received, including written comments and Public Hearing testimony, are included in **Appendix B** with responses.

#### 1.1.2 Study Area

The information on the study area has not changed since the DEIS. Refer to Section **1.1.2** of the **DEIS** for further information.





## 1.2 PROJECT PURPOSE

The original purpose of the US 113 North/South Study was to establish a continuous, limited access facility through Sussex County from the Maryland/Delaware state line to SR 1 near the Dover Air Force Base, thereby completing a limited access corridor throughout the State of Delaware.

The provision for a limited access roadway was removed from the Millsboro-South Area of the project prior to publication of the SDEIS. The purpose of the US 113 North/South Study: Millsboro-South Area is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic.

## 1.3 PROJECT NEED

The needs of the US 113 North/South Study: Millsboro-South Area project are:

- Meeting the growing traffic demand created by existing and future development;
- Considering safety issues;
- Preserving a transportation corridor;
- Considering modal interrelationships; and
- Maintaining consistency with state and local plans for transportation systems.

*The Purpose and Need relies heavily upon the information provided in the July 2013 DEIS as well as the updated information provided in the December 2016 SDEIS. The Purpose and Need has not changed between the SDEIS and this FEIS.*

Refer to **Section 1.3** of the **DEIS** for further information supporting these needs. The following sections provide additional information that was developed during the SDEIS related to traffic demand, safety, and transportation corridor preservation.

### 1.3.1 Need: Traffic Demand

#### 1.3.1.1 Summer Saturday Peak Traffic Analysis

In 2014, updated summer Saturday turning movement traffic counts were conducted at 26 locations within the Millsboro-South Area, including all nine signalized intersections and 17 unsignalized intersections along US 113 and SR 24.

Field observations were conducted to identify areas of congestion and queuing. SR 24 through Millsboro experiences congestion at State Street and at its intersection with US 113. Observations confirmed that long queues exist on the SR 24 approaches during the summer peak hours. Long queues were also observed on northbound and southbound US 113 in the vicinity of SR 24 and Centerview Drive.



The intersection levels of service (LOS) for existing conditions and for the No-build and Preferred Alternatives are shown in **Table 1-1**. LOS is an estimation of the delay experienced by motorists given the volumes, available travel lanes, and traffic controls in place at an intersection. LOS ranges from A (best operations) to F (worst operations), with LOS D generally considered to be the minimum desired LOS at an intersection.

Three intersections, including the intersection of US 113 and SR 24, currently operate at an unacceptable LOS. Under the 2040 No-build Alternative, six of the nine signalized intersections experience a degradation in LOS, resulting in one additional intersection (for a total of four intersections) operating at an unacceptable LOS.

For the Preferred Alternative, the travel forecast model predicts that the combination of the two-lane SR 24 Connector and the widening of US 113 will provide acceptable LOS at all the evaluated intersections.

**Table 1-1: Signalized Intersection Levels of Service (Summer Saturday Peak Traffic)**

Intersection	2014 Existing	2040 No-build	Preferred Alternative (Modified Yellow)
US 113 at SR 20 (Hardscrabble Road)	C	D	n/a
US 113 at SR 24	F	F	D
US 113 at Centerview Drive	C	E	D
US 113 at Town Center Boulevard	B	C	B
US 113 at SR 20 (Dagsboro Road)	F	E	C
US 113 at SR 26	C	D	D
US 113 at SR 54	C	C	C
SR 24 EB at State Street	E	F	D
SR 24 WB at State Street	C	D	B
SR 30 and Connector	n/a	n/a	B
Hollyville Road at SR 24 Connector	n/a	n/a	B

*Note: Shaded cells indicate unacceptable LOS.*

### 1.3.2 Need: Safety

#### 1.3.2.1 Updated Crash Data

##### US 113 Mainline

Updated crash data were analyzed along US 113 and SR 24 within the study area to determine crash rates and identify trends. US 113 and SR 24 were each subdivided into smaller sections of roadway based on the roadway segments provided in the Delaware Department of Transportation's (DelDOT's) *2014 Traffic Summary*. The numbers of reported crashes occurring on each segment of US 113 between July 2011 and July 2014 are shown in **Table 1-2**.



**Table 1-2: US 113 Mainline – July 2011 through July 2014 Average Crash Rates**

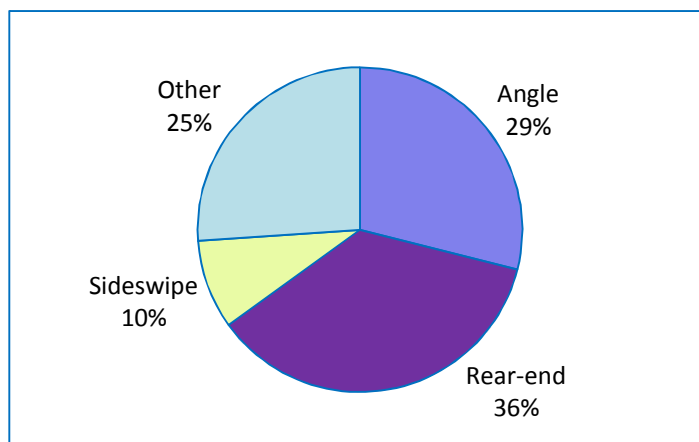
Section Description	Length (miles)	Section Crash Rate	Delaware Crash Rate	Sussex County Crash Rate
Between Maryland State Line and SR 54 (Cemetery Road)	0.74	4.01	3.50	2.01
Between SR 54 and Blueberry Lane	3.60	0.50	0.69	0.84
Between Blueberry Lane and South Dagsboro limits	1.75	1.09	0.69	0.84
Between South Dagsboro limits and North Dagsboro limits	0.55	2.84	3.50	2.01
Between North Dagsboro limits and SR 20	1.50	0.74	0.69	0.84
Between SR 20 and South Millsboro limits	0.85	2.26	3.50	2.01
Between South Millsboro limits and SR 24	0.55	3.21	3.50	2.01
Between SR 24 and North Millsboro limits	0.55	1.01	3.50	2.01
Between North Millsboro limits and SR 20	0.80	0.61	0.69	0.84
Between SR 20 and 0.1 mile north of Governor Stockley Road	2.90	0.61	0.69	0.84

Note: Shaded cells indicate crash rate higher than statewide average.

Average crash rates were calculated for each road section to provide a relative measure of comparison with other similar roads throughout Delaware and Sussex County. The calculated average crash rates were compared to the 2014 Statewide and Sussex County crash rates for roads of corresponding functional classification. DelDOT's Safety Section provided the Statewide and Sussex County Average Crash Rates for 2014. The comparison showed that three of the ten roadway sections being monitored had higher crash rates than the Statewide Average Crash Rate for roadways of the same type.

Reviewing the characteristics and patterns of highway crashes is an important step in identifying existing safety issues that can be corrected with geometric changes to highway and/or traffic engineering improvements. A total of 526 crashes were reported along US 113 in the study area between July 2011 and July 2014. **Figure 1-1** summarizes the crashes by type.

**Figure 1-1: US 113 Crash Types (July 2011 – July 2014)**





Angle crashes typically occur with the greatest frequency at unsignalized intersections, median crossovers, and driveways. Rear-end crashes are most common on the approaches to signalized intersections. The prevalence of both of these crash types in the study area corresponds to the number and frequency of these types of existing access points along the US 113 corridor.

Thirty percent of all crashes occurred at or adjacent to signalized intersections within the study limits. **Table 1-3** is a summary of the intersections with the highest number of crashes (20 or more) from July 2011 through July 2014.

**Table 1-3: Intersections Along US 113 Corridor with a High Numbers of Crashes**

Intersection	Number of Crashes
SR 24/SR 30 (S024)	62
SR 20/Hardscrabble Road (S020)	43
SR 20/Dagsboro Road/Handy Road (S334, S337)	28
SR 26/Nine Foot Road (S026)	27

Anticipated growth in the study area is likely to create greater pressure to increase the number of access points and traffic signals along US 113. Because many of the crashes on US 113 occur at traffic signals, it is likely that the number of such crashes would increase as new signals are installed. These trends indicate that safety on US 113 is likely to deteriorate in the absence of roadway improvements.

## SR 24

Average crash rates were also calculated for the section of SR 24 (S024, John J. Williams Highway/Main Street) between the west Millsboro Town limits and William Street Road (S309). These crash rates were compared to statewide and countywide crash rates for similar roads (refer to **Table 1-4**). According to the comparison, none of the five roadway sections being monitored had a crash rate higher than the Delaware average crash rate for roadways of its type.

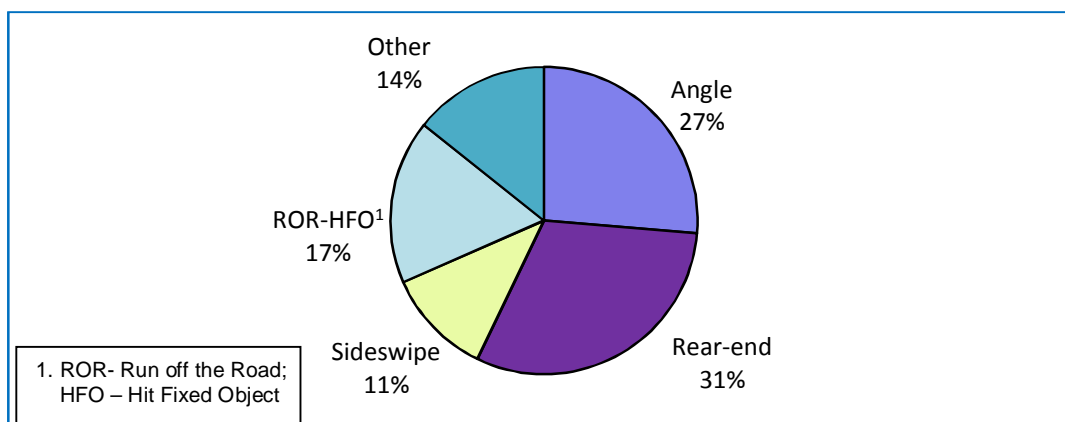
**Table 1-4: SR 24 Corridor – September 2011 – September 2014 Average Crash Rates**

Section Description	Length (miles)	Section Crash Rate	Delaware Crash Rate	Sussex County Crash Rate
West Millsboro limits to US 113	0.37	2.40	3.95	2.60
US 113 to South Washington Street	0.09	2.01	3.95	2.60
South Washington Street to North Washington Street	0.35	2.87	3.95	2.60
North Washington Street to DE SR 30	0.15	0.64	2.07	1.92
DE SR 30 to William Street Road	2.92	1.01	2.07	1.92

A total of 133 crashes were reported along SR 24 in the study area between September 2011 and September 2014. **Figure 1-2** summarizes these 133 collisions by type.



**Figure 1-2: SR 24 Crash Types (September 2011 – September 2014)**



Twenty-three percent of all crashes on SR 24 within the project limits occurred at or adjacent to signalized intersections. **Table 1-5** provides a summary of the intersections (both signalized and unsignalized) with the highest number of crashes (10 or more) from September 2011 through September 2014.

**Table 1-5: Intersections along SR 24 Corridor with a High Number of Crashes**

Intersection	Number of Crashes
<b>Signalized Intersections</b>	
US 113	29
<b>Unsignalized Intersections</b>	
Hollyville Road / Jersey Road (S305)	11
Access to Mountaire Farms	10
Access to Wawa (just west of US 113)	10

### 1.3.2.2 Emergency Services Response Data

Sussex County Emergency Management is responsible for providing emergency services along the US 113 corridor in the study area. Fire, ambulance, and paramedic assistance are provided by the Selbyville, Frankford, Dagsboro, and Millsboro fire departments.

Emergency personnel responded to 2,667 calls along US 113 within the study area in 2014. Between 2010 and 2014 the majority of the incidents occurred in Millsboro (55.8%), followed by Dagsboro (18.7%), Selbyville (16.4%), and Frankford (9.0%). Although Selbyville, Dagsboro, and Millsboro have some medical facilities, the closest emergency facilities are in Milford, Lewes, and Seaford, Delaware and Berlin, Maryland, which are as far as 21 miles from a given point on US 113 in the study area. Thus, it is essential for those who require emergency care that local highways not experience congestion problems that can delay accessing this care. During high congestion periods and in the summer tourist season, typical response times can increase, potentially resulting in the inability to provide care when it is urgently needed.





Emergency service responders in Selbyville, Dagsboro, and Millsboro are located on or adjacent to congested east-west routes between US 113 and Delaware's resort areas. This makes emergency calls doubly problematic: congestion delays emergency response, and preemption of signals by emergency vehicles interrupts signal progression. Even one preempted cycle could result in up to 15 minutes of additional congestion as the signal system returns to equilibrium.

### **1.3.2.3 Emergency Evacuation**

In the event of an emergency, US 113 is designated as a primary north-south evacuation route from Kent County in the north to the Maryland border in the south. SR 54, SR 24, and SR 20, all of which cross US 113 in the study area, are designated as primary east-west evacuation routes. Additional traffic capacity along US 113 between Millsboro and Dagsboro would lead to safer and more efficient evacuations during emergencies. SR 24 would continue to serve as a designated evacuation route with the addition of the two-lane connector providing grade-separated access to US 113.

### **1.3.3 Need: Preserving a Transportation Corridor**

#### **1.3.3.1 Status of Construction Planned or Completed for the Transportation Corridor**

US 113 is an important link on the Delmarva Peninsula. Improvements to US 113 are already built, under construction, or planned for the areas north of Milford, within Ellendale and Georgetown, and south of Selbyville in Maryland. The Millsboro-South Area is an important link within the corridor that, if deficiencies were addressed, would enhance system compatibility and continuity and permit US 113 to more effectively serve future transportation needs.

Improvements to US 113 in the Georgetown Area will not result in a limited access roadway, per the Finding of No Significant Impact (FONSI), but will construct grade-separated intersections and remove all traffic signals and unsignalized crossovers. Therefore, the connection between the northern terminus of the Millsboro-South Area and the southern terminus of the Georgetown Area will be consistent. The limited access portion of US 113 in Maryland will have to be transitioned back to an open section at the Maryland/Delaware state line. While the provision to create a limited access US 113 from Millsboro to the Maryland/Delaware state line has been removed, the operational improvements that are proposed would improve traffic and congestion.



## CHAPTER 2 – ALTERNATIVES CONSIDERED

During the public comment period for the 2013 DEIS, the public expressed strong opposition to the Blue Alternative that was identified as the Preferred Alternative in the DEIS. In response to public comments, the Yellow Alternative, one of the retained build alternatives from the DEIS, was modified to include a new, two-lane SR 24 Connector and improvements to US 113 that will consist of widening from four to six lanes. This alternative, referred to as the Modified Yellow Alternative, was evaluated in detail in the SDEIS and recommended as the Preferred Alternative. The Modified Yellow Alternative has been further refined in this FEIS in response to additional public comments received during the SDEIS comment period. The Preferred Alternative is described in **Section 2.2.2**.

*The SDEIS identified the Modified Yellow Alternative as the Preferred Alternative. Only minor changes to the Preferred Alternative have been made since the SDEIS was published.*

Since the release of the SDEIS, DelDOT addressed agency and public comments on the SDEIS, conducted another Public Hearing/Workshop, and continued to refine the Preferred Alternative with input from the public and regulatory agencies. This FEIS and attached Record of Decision identify the Modified Yellow Alternative as the Preferred Alternative.

### 2.1 ALTERNATIVES DEVELOPMENT

Refer to **Chapter 2** of the **DEIS** for more information on alternatives development. The alternatives described in this document are preliminary and have not been fully engineered.

### 2.2 ALTERNATIVES RETAINED IN THE FEIS

#### 2.2.1 No-Build Alternative

The No-build Alternative includes the existing network of roads plus the currently programmed, committed, and funded roadway and transit projects in the study area, with the exception of the US 113 North/South Study. There are no major improvements planned to facilities within the Millsboro-South Area. No planned improvements would result in noteworthy capacity changes along the US 113 corridor. Evaluation of the No-build Alternative assumes no construction other than routine maintenance and repair. Refer to **Section 2.2.1** of the **DEIS** for more information.

The No-build Alternative does not meet the purpose of or need for this project because it does not accommodate growing traffic demand, address safety, preserve a transportation corridor, consider modal interrelationships, or maintain consistency with state and local plans for transportation systems. However, it provides a baseline condition with which to compare the Preferred Alternative and its consequences. As such, the No-build Alternative is retained for evaluation purposes only. It is important to note that improvements associated with the No-build Alternative will have environmental effects that have not been evaluated as part of this study.



### 2.2.2 Preferred Alternative

The Yellow Alternative, originally presented in the 2013 DEIS, was modified according to public comments to include the two-lane SR 24 Connector on the new alignment, along with widening a segment of the existing US 113 alignment area from four lanes to six lanes. The SDEIS was developed to reflect these changes. The Modified Yellow Alternative is recommended as the Preferred Alternative in this FEIS and is described in detail below. Detailed mapping of this alternative is located in **Appendix A. Figure 2-1** shows the Preferred Alternative.

#### *US 113 Mainline*

US 113 will be widened from four to six lanes beginning at Betts Pond Road, extending approximately 2.8 miles south to the SR 20 (Handy Road/Dagsboro Road) intersection with US 113, south of Millsboro. North of the Town limits, where the existing median width narrows to 36 feet, the lane and shoulder widths will be adjusted to avoid impact to the Betts Pond crossing and minimize right-of-way impacts. Within the town limits, US 113 will be widened into the existing 90-foot median and the proposed typical section will consist of six 12-foot travel lanes, three in each direction; a 48-foot grass median; and ten-foot shoulders, both inside and outside. Beginning at the southern Town limits and extending approximately one mile south to SR 20 (Handy Road), US 113 would be widened into the existing 36-foot median and along the west side where there is available right of way. The typical section will include six travel lanes. However, the lane width and shoulder widths may vary to avoid impacts to the existing Iron Branch stream crossing. South of SR 20, the alternative will follow the existing US 113 alignment for approximately 8.6 miles to the Delaware/Maryland state line. The existing four-lane typical section and at-grade access, both signalized and unsignalized, will be retained through the towns of Dagsboro, Frankford, and Selbyville and the portions of unincorporated Sussex County between those towns.

**Figure 2-2** shows the typical section for the US 113 mainline improvements through the Town of Millsboro. The following seven unsignalized crossovers will be eliminated along this segment of US 113: (1) entrance to Mid-Sussex Center at the southern Millsboro town limits, (2) First Street, (3) Old Landing Road, (4) Houston Avenue, (5) Wharton Street, (6) West Monroe Street, and (7) Oak Avenue/Kerlyn Drive. All locations would retain right-in/right-out access to and from US 113 at the aforementioned cross-streets. The crossover closures at Monroe Street, Wharton Street, and Houston Avenue, which were previously shown as cul-de-sacs in the SDEIS, would retain right-in/right-out access under the Preferred Alternative, a design modification made to address public concerns and emergency access issues.

The four signalized intersections at SR 20 (Handy Road/Dagsboro Road), Peninsula Crossing (two signals), and SR 24 (Laurel Road/Main Street) will remain. The third southbound US 113 travel lane will become a lane drop for the southbound double left-turn lanes recently constructed at US 113 and SR 20 (Handy Road/Dagsboro Road). At SR 24, the east leg of the intersection will be widened to construct an exclusive right-turn lane, a shared left-turn/through lane, and an exclusive left-turn lane. The proposed storage length for the new westbound SR 24 lanes will be limited to approximately 385 feet due to surrounding cultural resource constraints.

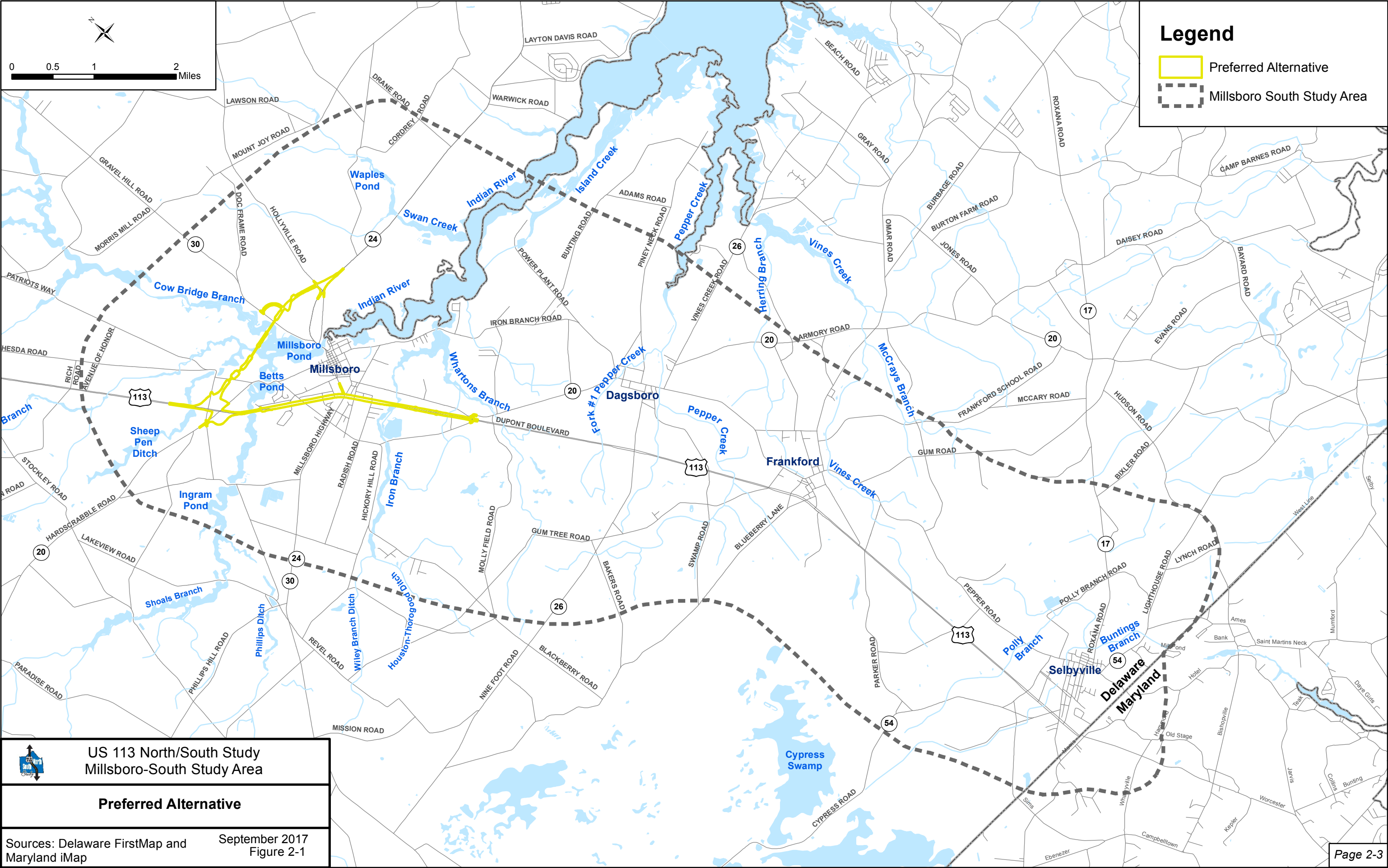
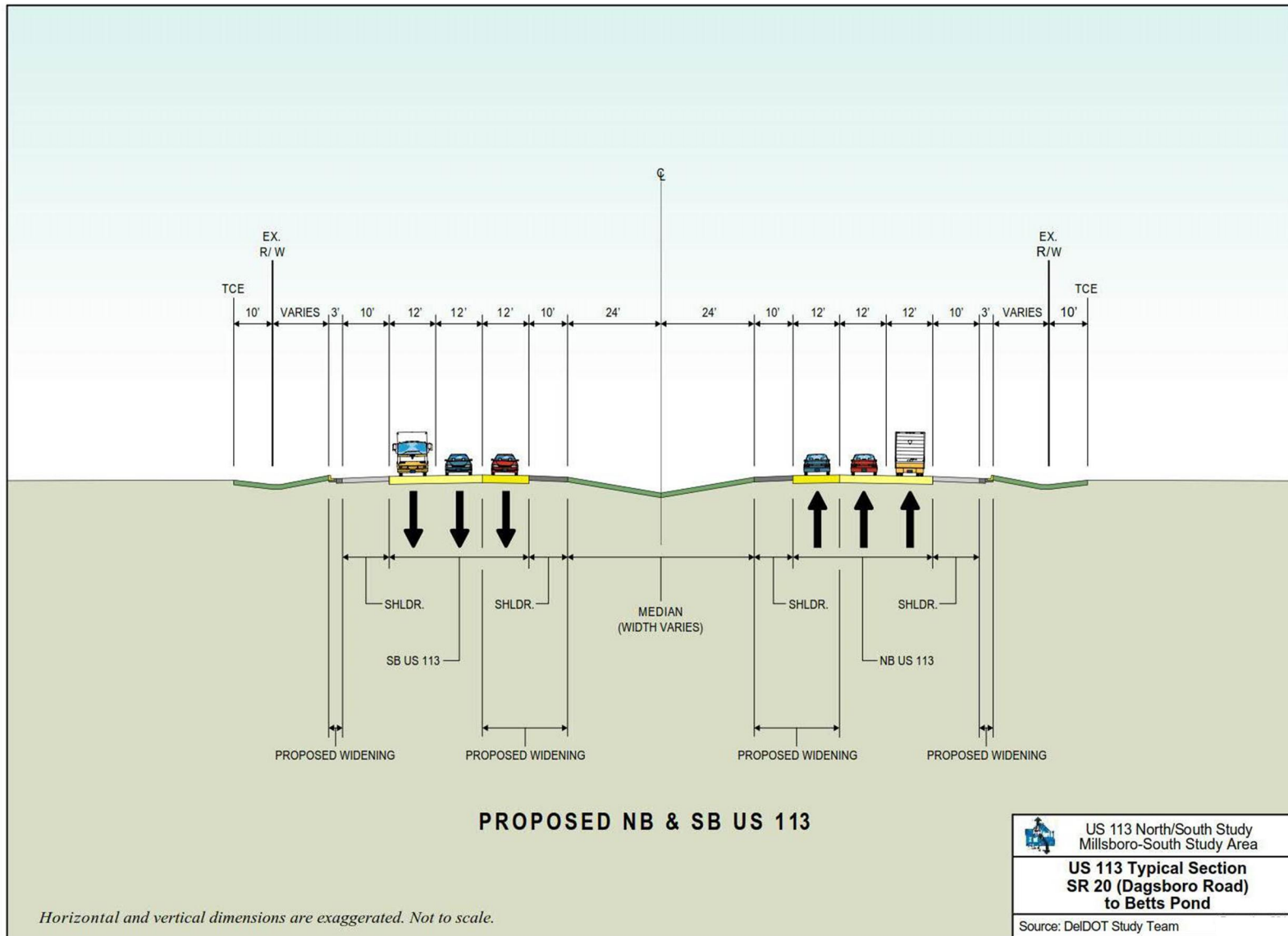






Figure 2-2: US 113 Typical Section







It is anticipated that the existing culvert crossing at Betts Pond will remain and the US 113 widening will be confined to the existing median at this location. The proposed US 113 widening will continue north of Betts Pond as the new travel lanes will serve the ramps at the proposed grade separation with the new two-lane SR 24 Connector.

The proposed widening along US 113 will also accommodate bicycle access along the shoulders. Additionally, the need for sidewalk connections will be evaluated.

The typical sections for both US 113 and the SR 24 Connector do not illustrate bridge crossings over major streams or waterways. For the proposed structures, the standard median widths could be reduced to further reduce right-of-way impacts. However, as with other DelDOT projects, details regarding structures will be evaluated and addressed during final design.

### *SR 24 Connector*

The new two-lane SR 24 Connector will tie into a realigned segment of SR 20 (Hardscrabble Road) west of US 113 and cross US 113 about 300 feet north of the existing intersection with SR 20. The proposed grade separation at US 113 and SR 20 will be a partial cloverleaf with direct ramp access in all directions. There will be loop ramps for the northbound-to-westbound movement and the southbound-to-eastbound movement.

It is anticipated that the proposed ramp terminals will be unsignalized with stop control for the ramp approaches. East of US 113, the SR 24 Connector will be aligned to minimize residential property impacts. The alignment will continue east, passing over Fox Run Road, Norfolk Southern Railroad, Millsboro Pond, and SR 30 (Gravel Hill Road) on bridges. A new roadway will be constructed to provide access from the SR 24 Connector to SR 30.


The proposed typical section for the SR 24 Connector will contain one 12-foot travel lane and a ten-foot paved outside shoulder in each direction. **Figure 2-3** shows the typical section for the SR 24 Connector. The proposed SR 24 Connector will tie into existing SR 24 approximately 2.3 miles east of US 113 and one mile east of the existing SR 24 crossing near Millsboro Pond.

Bicycle access would be provided along the shoulders of the SR 24 Connector. Due to the context of the proposed roadway and a lack of surrounding development, sidewalks are not proposed along the SR 24 Connector.

### *Schedule*

DelDOT's first priority would be to construct the SR 24 Connector, which includes the new grade separated intersection at US 113. In DelDOT's most recent update to the Capital Transportation Program (CTP) FY 2017 – FY 2023, funding is programmed for the SR 24 Connector and associated grade separation beginning in FY 2018. The CTP includes three phases through FY 2023 for a total of \$104 million. This includes \$4.0 million for Preliminary Engineering in FY 2018, \$15.0 million for right-of-way in FY 2021, and \$85.0 million for construction in FY 2023.

Horizontal and vertical dimensions are exaggerated. Not to scale.

 US 113 North/South Study Millsboro-South Study Area
<b>SR 24 Connector          Typical Section</b>
Source: DelDOT Study Team



## *Summary*

The Preferred Alternative been identified as the retained alternative that will best meet the Purpose and Need. The Preferred Alternative will accommodate growing traffic demand in the study area. Future land development and economic growth in Sussex County and its municipalities, the increased use of the resort area in southeastern Sussex County (both in the summer and throughout the year), and the projected increase in regional traffic traveling through the Delmarva Peninsula all contribute to the need to increase accessibility and mobility in the study area.

The Preferred Alternative provides an additional lane in each direction along US 113 extending approximately 2.8 miles (between SR 20 and Betts Pond Road), increasing traffic capacity and improving traffic flow. The new SR 24 Connector will provide increased accessibility and mobility by providing an additional connection to existing SR 24 and points east, thus reducing traffic on SR 24 within the Town of Millsboro and providing a more direct east-west route north of town.

Additionally, the Preferred Alternative will remove several crossovers on US 113, provide additional turn lanes, and improve congestion by adding capacity. These modifications are expected to improve safety conditions in the study area. Emergency service response and emergency evacuation will be improved under the Preferred Alternative. The proposed improvements along US 113 and SR 24 in the Millsboro-South Area will provide additional traffic capacity, leading to safer and more efficient response times for emergency services and evacuations during emergencies. Additionally, some of the existing crossovers may be converted to emergency access-only locations that can be accessed by emergency services when needed.

Preserving a transportation corridor north-south along US 113 has been a priority throughout Sussex County since the project was initiated in the early 2000s. While the on-alignment improvements to US 113 no longer include the provision of limited access, the proposed improvements will increase the compatibility of the Millsboro-South Area with the connecting sections of US 113 north and south of the study area. The Millsboro-South Area is an important link within the corridor that, if deficiencies are addressed, will establish system compatibility and continuity and permit US 113 to more effectively serve future transportation needs.

The Preferred Alternative maintains consistency with multiple state and local programs and plans to accommodate future development without degradation of the capacity of US 113.



## CHAPTER 3 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter discusses environmental and community resources present in the study area. The potential beneficial and adverse social, economic, and environmental effects of the Preferred Alternative (Modified Yellow) for the Millsboro-South Area of the US 113 North/South Study are presented here, along with the No-build Alternative for comparison. Unless otherwise specified, the impacts described are based on the estimated limit of disturbance (LOD). Slight changes to some impacts have occurred since the SDEIS, reflecting the elimination of cul-de-sacs from the Preferred Alternative design at Monroe Street, Wharton Street, and Houston Avenue in response to public comments. See **Chapter 2** for discussion of the original alternatives considered, the elimination of alternatives, and the development of the Preferred Alternative; detailed mapping of the Preferred Alternative is included in **Appendix A**.

Impacts for the proposed No-build Alternative are based on the assumption that all of the currently programmed, committed, and funded roadway and transit projects in the study area, except the US 113 North/South Study, would be implemented. The comparisons in this chapter are based on the best available information. Discussion is provided in the summary of impacts in **Table 3-1**.

**Table 3-1: Summary of Impacts**

Resource	No-build Alternative	Preferred Alternative (Modified Yellow)
<b>Wetlands and Waters of the US (WOUS), Subaqueous Lands, and Tax Ditches</b>		
Wetlands (acres)	0	0.8
Stream Impacts (linear feet)	0	1,042
Subaqueous Lands (linear feet)	0	1,042
Tax Ditches (linear feet)	0	0
<b>Historic Resources</b>		
Number of Historic Properties potentially impacted <sup>1</sup>	0	2
<b>Archaeological Resources</b>		
Number of Known Archaeological Sites in the Limit of Disturbance <sup>2</sup>	0	0
Prehistoric High Sensitivity Areas in the LOD (acres / %)	0	7 (3.5%)
Early Historic-Period High Sensitivity Areas in the LOD Disturbance (acres / %)	0	15 (7.5%)
<b>Later Historic-Period Sensitivity in the LOD</b>		
Extant Locations	0	80
High Sensitivity Locations	0	8
<b>Noise Impacts</b>		
Total Number of Residences Affected	0	54
<b>Rare, Threatened and Endangered Species</b>		
Number of RTE Species Potentially Impacted <sup>3</sup>	0	14



**Table 3-1 Summary of Impacts (continued)**

Resource	No-build Alternative	Preferred Alternative (Modified Yellow)
<b>Other Considerations</b>		
Agricultural Districts (Ten-Year) (number of properties / acres)	0 / 0	1 / 2.0
Agricultural Preservation Easements (Permanent) (number of properties)	0	0
Prime Farmland (acres)	0	4.6
Forest land: 2007 Land Use (acres)	0	11.4
<b>Property Impacts</b>		
Properties affected (number)	0	68
Properties affected (total acres)	0	183
<b>Access Rights</b>		
Total Acquisitions (numbers of affected properties)	0	10
Relocations	0	7
Partial Acquisition / Modified Access (numbers of affected properties)	0	58
<b>Costs</b>		
Preliminary Cost Range (millions, construction cost only)	\$0	\$96-\$116

1. Historic properties are individual resources and districts listed on or determined eligible for the National Register of Historic Places; eligibility status is based on consultant recommendations, reviewed by DelDOT and Delaware State Historic Preservation Office (SHPO) staff; consensus has been reached on all recommendations. Note, the Perry Shockley House referenced in the DEIS has been demolished.
2. Archaeological sites on file with SHPO; most have not yet been evaluated for National Register eligibility; note that the LOD (here and in subsequent rows) does not include future stormwater management and other needs such as wetland mitigation.
3. Anticipated impacts to rare, threatened and endangered (RTE) species based on coordination to date with Delaware Department of Natural Resources and Environmental Control (DNREC). Detailed evaluation and coordination with DNREC and US Fish and Wildlife Service (USFWS) is continuing. The data in the potential RTE species areas row is not exhaustive. These data represent known occurrences of RTE species, not habitat for RTE species.

### 3.1 SOCIOECONOMIC CONDITIONS

The affected socioeconomic environment has not changed substantially since the publication of the 2013 DEIS. Refer to **Section 3.1** of the **DEIS** for more information on socioeconomic conditions in the study area. The following sections present the environmental consequences to socioeconomic conditions and corresponding mitigation measures of the Preferred Alternative.

#### 3.1.1 Population and Housing

The No-build Alternative would not impact population or housing within the study area. **Table 3-2** presents the property impacts for the Preferred Alternative in the study area. The Preferred Alternative would affect a total of 68 properties, 10 of which would be total property acquisitions and 58 of which would be partial acquisitions. The Preferred Alternative would require seven relocations. This total includes total acquisitions where the entire property is not required for the project, but the remaining portion would result in an uneconomic remnant, or its access would be eliminated by the alternative. Most of the impacted acreage is currently used for agriculture. For relocations, owners would be provided assistance in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended, and DelDOT's policies. The





project's Relocation Plan would be available for review in project administrative files maintained by DelDOT.

**Table 3-2: Number of Properties Affected by the Preferred Alternative**

Land Use	Preferred Alternative (Modified Yellow)
<b>Residential</b>	<b>12</b>
Total Acquisitions	2
Partial Acquisitions	10
Relocations	4
<b>Business</b>	<b>32</b>
Total Acquisitions	2
Partial Acquisitions	30
Relocations	2
<b>Agriculture</b>	<b>18</b>
Total Acquisitions	5
Partial Acquisitions	13
Relocations <sup>1</sup>	1
<b>Non-Profits</b>	<b>0</b>
Total Acquisitions	0
Partial Acquisitions	0
Relocations	0
<b>Other</b>	<b>6</b>
Total Acquisitions	1
Partial Acquisitions	5
Relocations	0
<b>Total Acquisitions (includes relocations)</b>	<b>10</b>
<b>Partial Acquisitions</b>	<b>58</b>
<b>Relocations<sup>1</sup></b>	<b>7</b>
<b>Total Affected Properties</b>	<b>68</b>

*Total acquisition – the complete property would be purchased in its entirety.*

*Partial acquisition – only a portion of the property would be purchased.*

*Relocation – when a structure, such as a home or business, would be directly impacted. These are included in the number of total acquisitions.*

**Table 3-3** details the total acreage impacted by land use classification. The Preferred Alternative would require the acquisition of 183 acres of land, not including existing roadway right of way.

**Table 3-3: Acreage of Land to be Acquired**

Land Use Classification	Preferred Alternative (acres)
Residential	2
Business	10
Agriculture	151
Other	20
<b>Total (acres)</b>	<b>183</b>



### 3.1.2 Employment Trends

The No-build Alternative would perpetuate congestion by increasing travel times along roadways that provide access to businesses and residences, thus decreasing efficiency for businesses. On-alignment improvements proposed under the Preferred Alternative would improve mobility in the area by easing congestion, decreasing travel times, and increasing connectivity, thereby improving access to local businesses, which in turn contributes to an improved local economy. The Preferred Alternative would also provide access to new areas for economic development and expansion.

An increase in employment and job opportunities for construction workers, suppliers, and inspectors would result from construction of the Preferred Alternative. Short-term employment, use of materials to construct the improvements, and purchases of goods and services generated by construction could create a short-term improvement in the local economy that would diminish once the construction is completed. Workers who live in the region may fill these new positions or it is possible that people may move to the area as a result of the job opportunities created by the project. The concentration of workers within the area could stimulate the local economy by increasing business at commercial and retail establishments.

The Preferred Alternative would impact 41 existing businesses along the alignment, requiring two to relocate. The Preferred Alternative may impact area businesses through a loss of income to the owners and loss of employment for workers. It is anticipated that some of these businesses would relocate to other locations in the study area that have direct access to US 113. Relocation assistance would be provided to businesses displaced by the construction of the Preferred Alternative. The Preferred Alternative may also impact planned businesses (commercial, retail, and industrial) in the study area, thus altering the number of jobs available in the future or altering the locations of these potential future employment opportunities.

Business owners directly impacted by the construction of the Preferred Alternative would be contacted regarding potential acquisitions and they would be fairly compensated for the impacts to their businesses. For relocations, owners would be provided assistance in accordance with the federal *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended, and DelDOT's policies.

### 3.1.3 Environmental Justice

Executive Order 12898, "*Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*," was signed by President Clinton in February of 1994. The Executive Order requires each federal agency to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Further, the project is required to provide an opportunity for participation in the public involvement process. The environmental justice (EJ) assessment was prepared in consideration of the 1997 CEQ Guidance *Environmental Justice Guidance under NEPA*, the 2012 DOT Order 5610.2(a) *Department of Transportation Actions to*



Address Environmental Justice in Minority Populations and Low-Income Populations, and FHWA's EJ Order 6640.23.

The identification of EJ populations was updated for the SDEIS and presented in this FEIS to include 2014 Census Block Group data from the US Census Bureau (Census) for income characteristics. Analysis of the updated data allows for the inclusion of any new EJ populations based upon data from the 2010-2014 American Community Survey (ACS) 5-Year Estimates (Census, 2014).

Low-income populations are identified using the annual statistical poverty threshold from the Bureau of the Census Population Reports. Within the study area Block Groups, an average of 11.2 percent of families are in poverty; therefore, 11.2 percent is used as the benchmark for the Millsboro-South Area. Seven Block Groups are above this threshold (refer to **Table 3-4** and **Figure 3-1**).

**Table 3-4: 2014 Percentage in Poverty and Percentage Minority**

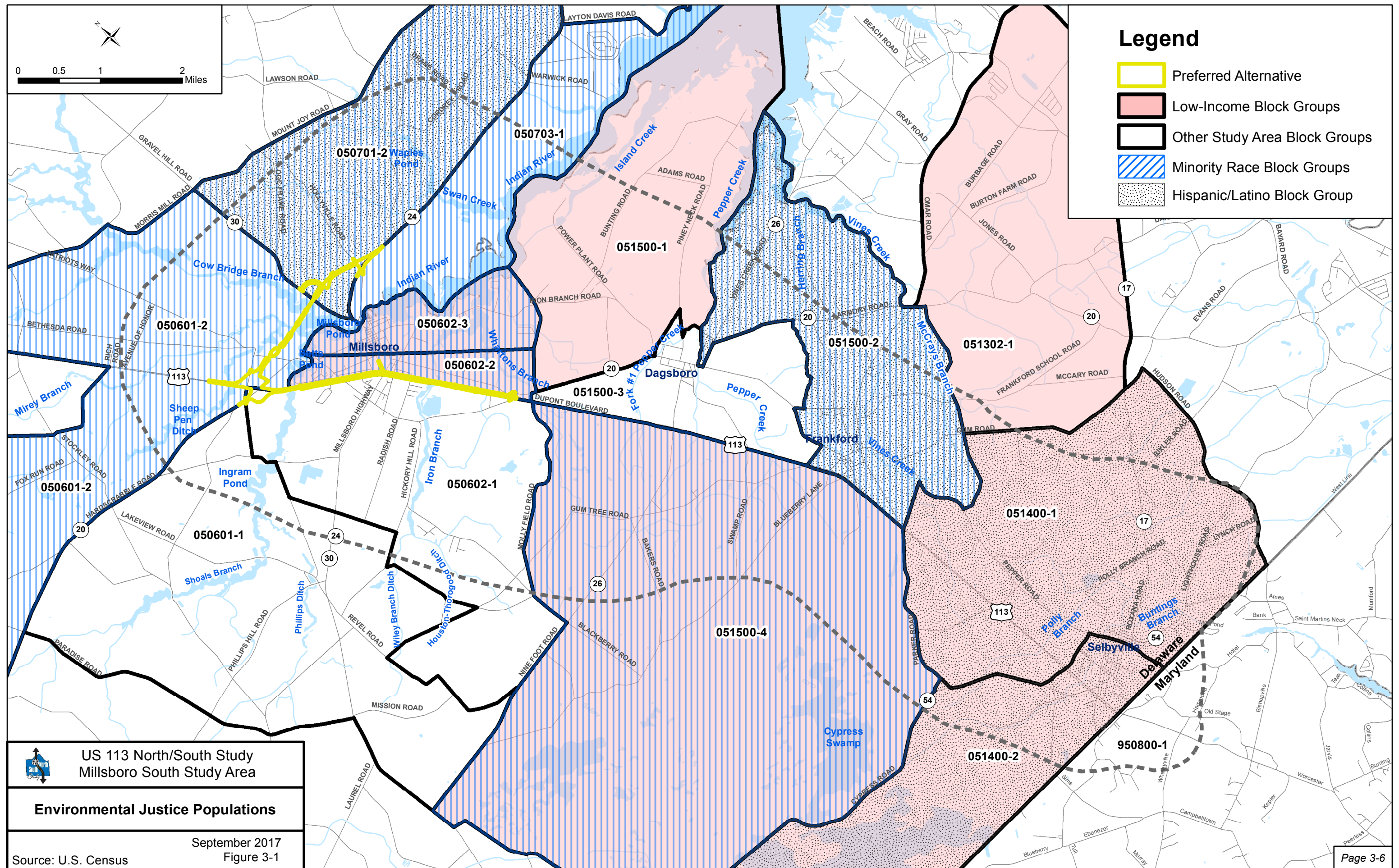
Geographic Area/ Block Group	Total Population	Percentage of Families in Poverty	Percentage Minority	Percentage Hispanic/ Latino
Delaware	917,060	8.2%	30.3%	8.6%
Sussex County	203,737	9.1%	18.8%	9.0%
050601-1	3,000	9.1%	12.5%	8.1%
050601-2	1,966	7.8%	28.9%	2.1%
050602-1	2,434	7.6%	18.5%	0.0%
050602-2	1,584	23.6%	39.6%	2.7%
050602-3	2,114	20.7%	37.9%	9.2%
050701-2	1,551	11.0%	45.5%	17.2%
050703-1	907	7.6%	29.7%	0.9%
051302-1	2,161	12.3%	5.8%	10.0%
051400-1	2,723	12.1%	21.4%	30.2%
051400-2	1,738	11.4%	12.8%	39.5%
051500-1	1,354	21.4%	8.6%	0.4%
051500-2	2,396	4.2%	45.1%	23.1%
051500-3	974	3.5%	12.1%	13.1%
051500-4	860	13.2%	29.2%	13.1%
950800-1	1,253	3.9%	20.0%	1.4%
<b>FEIS Study Area</b>	<b>27,015</b>	<b>11.2%*</b>	<b>24.2%*</b>	<b>12.4%*</b>

Source: US Census ACS 2014 5-Year Estimates

Note: Shaded areas indicate Block Groups that meet the thresholds for low income, minority, or Hispanic/Latino populations.

\* represents an average of the study area.







Minority and Hispanic/Latino populations are identified where the percentage of the minority or Hispanic/Latino populations exceed 50 percent or is meaningfully greater than the percentage in the general population or other appropriate unit of geographic analysis. For this study, the threshold is defined as ten percent greater than the study area average. Within the study area Block Groups, an average of 24.2 percent of the population is minority and 12.4 percent is Hispanic or Latino; therefore, 26.62 percent and 13.64 percent, respectively, are used as the threshold for the Millsboro-South Area.

Seven Block Groups are above the threshold for minority populations and four Block Groups are above the threshold for Hispanic or Latino populations. Minority and Hispanic or Latino populations are summarized in **Table 3-4** and shown in **Figure 3-1**.

These affected areas of EJ populations were compared to areas of no impact or less impact to determine if the environmental effects on low income or minority race/ethnicity populations could be considered “disproportionately high and adverse.”

The increasing travel times due to the congestion associated with the No-build Alternative would be equally borne by all communities and areas within the study area. Likewise, the potential benefits of the project are expected to be equally borne by all communities and areas of the project. Benefits include decreased congestion on existing US 113 and surrounding roadways upon completion of the project and increased capacity to accommodate anticipated increases in area population, employment, and future development. The construction of the Preferred Alternative would improve regional accessibility and connectivity, providing better access to area employment and communities.

The potential effects on land use, community facilities, air, and noise generally occur equally throughout the project corridor. Impacts in EJ areas were reviewed with regard to property impacts, relocations, and access. Per FHWA Order 6640.23, a disproportionately high and adverse effect on a minority or low-income population means the adverse effect is predominantly borne by such population or is appreciably more severe or greater in magnitude on the minority or low-income population than the adverse effect suffered by the non-minority or non-low-income population.

Overall, the Preferred Alternative would have minimal adverse impacts to residential communities. Much of the impact from the proposed new roadway alignment (the SR 24 Connector) would occur in Census Block Groups 050601-2 and 050701-2, both of which have been identified as meeting the threshold for minority populations, and Block Group 050701-2, which meets the threshold for Hispanic and Latino populations, according to the EJ analysis. However, Block Groups cover large geographical areas which span a variety of communities and neighborhoods. The area that would be impacted by the SR 24 Connector is nearly all agricultural in nature (requiring one agricultural relocation), with minimal impacts to residential communities or other non-agricultural land uses in the Block Groups. Therefore, it is not considered a disproportionately high and adverse effect to the minority populations residing in those Block Groups.





On-alignment improvements would affect two Block Groups identified as containing both low income area and minority populations. These improvements to US 113 would primarily occur within existing right of way. Aside from two business relocations, the improvements would have minimal negative impacts to surrounding communities. Therefore, no disproportionately high and adverse effects to EJ communities would occur.

### **3.1.3.1 Environmental Justice Outreach**

Coordination with environmental agencies, elected officials, community organizations and associations, and the public has been ongoing since the initiation of the project. Refer to **Section 3.1.3.3** of the **DEIS** and **Chapter 5** and **Chapter 4** of the **SDEIS** for more information.

A mailing list of more than 8,000 addresses evolved during the project, including everyone who attended a Working Group meeting, Public Meeting/Workshop, or the Open House, who contacted DelDOT or the Project Team, or who live near any of the alternatives, regardless of race or ethnicity. Before each Public Meeting/Workshop, an announcement was sent to people on the mailing list, notifying them of the purpose, subject matter, time, and location of the workshop. A legal Public Notice was placed in newspapers serving the study area. Additionally, an FYI was put in the papers as an attractive “reader friendly” advertisement located outside the classified sections. The FYI and Public Notice appeared in the *News Journal – Kent and Sussex Edition*, *Sussex Countian*, and *Sussex Post*. Upcoming meetings/workshops were mentioned on the radio and on the project web site and window posters were placed in popular pedestrian travel locations in the study area. The posters were also produced in Spanish to meet the needs of the Hispanic community, and a Spanish interpreter was present at the Public Workshops. Outreach to EJ communities continued with the Public Hearing on the SDEIS, offering the public opportunity to provide written or oral testimony on the SDEIS. For more information, see **Chapter 5** of the **DEIS** and **Chapter 4** of the **SDEIS**.

### **3.1.4 Elderly and Disabled Populations**

Age distribution and distribution of disabled populations within the study area, the County, and the State have not changed substantially. Disproportionate impacts are not expected for the Preferred Alternative or the No-build Alternative. For further information regarding these populations, refer to **Section 3.1.4** of the **DEIS**.

### **3.1.5 Livability Principles and Sustainability**

The information on livability principles and sustainability from the SDEIS has not changed. Refer to **Section 3.1.5** of the **DEIS**.



## 3.2 LAND USE

Land use in the study area has not changed substantially since the publication of the DEIS. Refer to **Section 3.2** of the **DEIS** for more information regarding the affected environment of the study area. **Figure 3-2** shows the current land use/land cover in the study area. Following is an overview of the environmental consequences to land use and proposed mitigation of the Preferred Alternative.

### 3.2.1 Existing Land Use

The No-build Alternative would have no direct impacts on the existing land use in the study area. Implementation of the Preferred Alternative would result in the conversion of land from its present uses to transportation land use, primarily in order to construct the new SR 24 Connector alignment. The Preferred Alternative would predominantly impact agricultural and forested land. Impacts from improvements to the existing US 113 alignment would primarily occur within areas currently classified as transportation land use. **Table 3-5** shows the land to be converted under the Preferred Alternative.

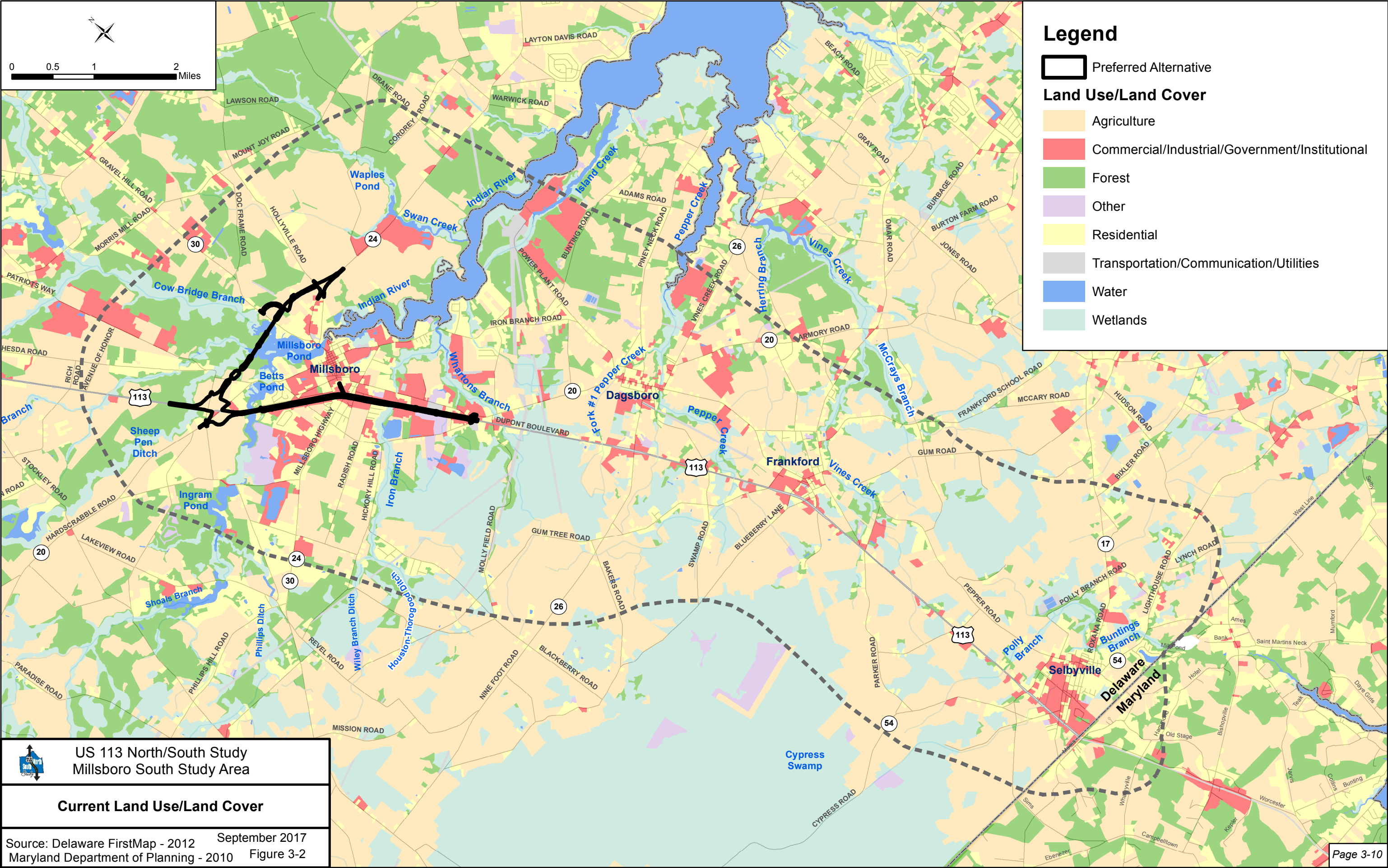
**Table 3-5: Land to be Converted from Current Uses**

2012 Land Use Category	Preferred Alternative	
	Percentage	Acres
Agricultural	66.4%	84.8
Commercial, Industrial	17.8%	21.3
Forest	7.6%	9.7
Residential, Urban	5.9%	7.2
Transportation, Government, and Utility	1.0%	1.3
Water	0.7%	0.9
Wetlands	0.6%	0.8
Other	0%	0
<b>Total Acres Converted</b>	100%	126.0

*Source: State of Delaware FirstMap 2012 Land Use/Land Cover*

### 3.2.2 Future Land Use

The No-build Alternative would have no direct impacts on the future land use in the study area. The Preferred Alternative is consistent with the Future Land Use Element of the Sussex County Comprehensive Plan. The Preferred Alternative is located within or in close proximity to the anticipated Municipal Annexation Area for Millsboro, and thus would meet the Plan's goal of focusing growth near the municipality and its proposed annexation area. The Preferred Alternative would provide improved north/south and east/west transportation capacity where Sussex County has identified its growth areas. The construction of the SR 24 Connector and widening along US 113 would not preclude new development from occurring outside of the identified growth areas. However, it would help guide new development in a manner that is consistent with the Plan.







### 3.2.3 Planned Development

Planned or proposed development projects were obtained via the Preliminary Land Use Service (PLUS) program, administered through the Delaware Office of State Planning Coordination. The list of developments includes major site plan reviews, rezonings, and conditional uses reviewed through the PLUS program. **Table 3-6** lists the developments within 600 feet and the amount of land acquisition anticipated from each development for the Preferred Alternative.

**Table 3-6: Planned Development Near the Preferred Alternative**

Planned/Proposed Development	Description	Location (Adjacent to portion of Preferred Alternative)	Land Acquisition
Plantation Lakes	Residential/Commercial – Rezoning and Site Plan Review	SR 24 Connector	16.6 acres
Del Pointe	Commercial – Site Plan Review	SR 24 Connector	None
Duke Warehouse Property	Commercial – Site Plan Review	US 113 Mainline Improvements	<0.1 acres
Delmarva District Office	Commercial – Rezoning	US 113 Mainline Improvements	None
Village of Eagles	Residential – Site Plan Review	US 113 Mainline Improvements	None
Millsboro Landing	Residential – Site Plan Review	US 113 Mainline Improvements	None

The Plantation Lakes development, currently under construction, would be directly impacted by the proposed SR 24 Connector alignment. The development is converting a site of approximately 625 acres along the west side of US 113 to residential and commercial use. The proposed SR 24 Connector would require the acquisition of approximately 16.6 acres of land from the site.

One additional proposed development, Del Pointe, would be situated near the proposed SR 24 Connector. Although land acquisition would not be required, the proposed project may cause audible or visual impacts during construction or after completion.

Four planned developments are located in the vicinity of US 113 mainline improvements proposed under the Preferred Alternative. One of these developments, the Duke Warehouse Property proposed commercial development site, would require the acquisition of a narrow sliver of land (less than 0.1 acres) due to the US 113 mainline improvements. The Delmarva District Office, Village of Eagles, and Millsboro Landing proposed developments would all be located within 600 feet of the US 113 mainline improvements, but would not require any land acquisition. The project could cause audible or visual impacts during construction or after completion. The No-build Alternative would have no direct impacts on the planned development within the study area.

DelDOT would consult with the owners/developers of these and other affected planned development areas to provide appropriate compensation for property acquisitions.



### 3.2.4 Farmland

Although development would continue to occur, there would be no impacts to farmland from the No-build Alternative. **Table 3-7** and **Figure 3-3** display the potential farmland impact of the Preferred Alternative.

The Preferred Alternative would directly impact 18 farm parcels and 84.8 acres of agricultural land. The Preferred Alternative would also create potential indirect impacts to farmland, such as revising access or making remaining portions of fields too small to farm.

**Table 3-7: Farmland Impacts**

Farmland Category	Preferred Alternative <sup>1</sup>
Direct Impacts to Farm parcels # (acres)	18 (84.8) <sup>1</sup>
Prime Farmland Soils (acres) <sup>2</sup>	77.0
Prime Farmland (acres)	4.6
Agricultural Districts Impacted: # (acres)	1 (2.0) <sup>3</sup>
Agricultural Easements Impacted: #	0 <sup>4</sup>

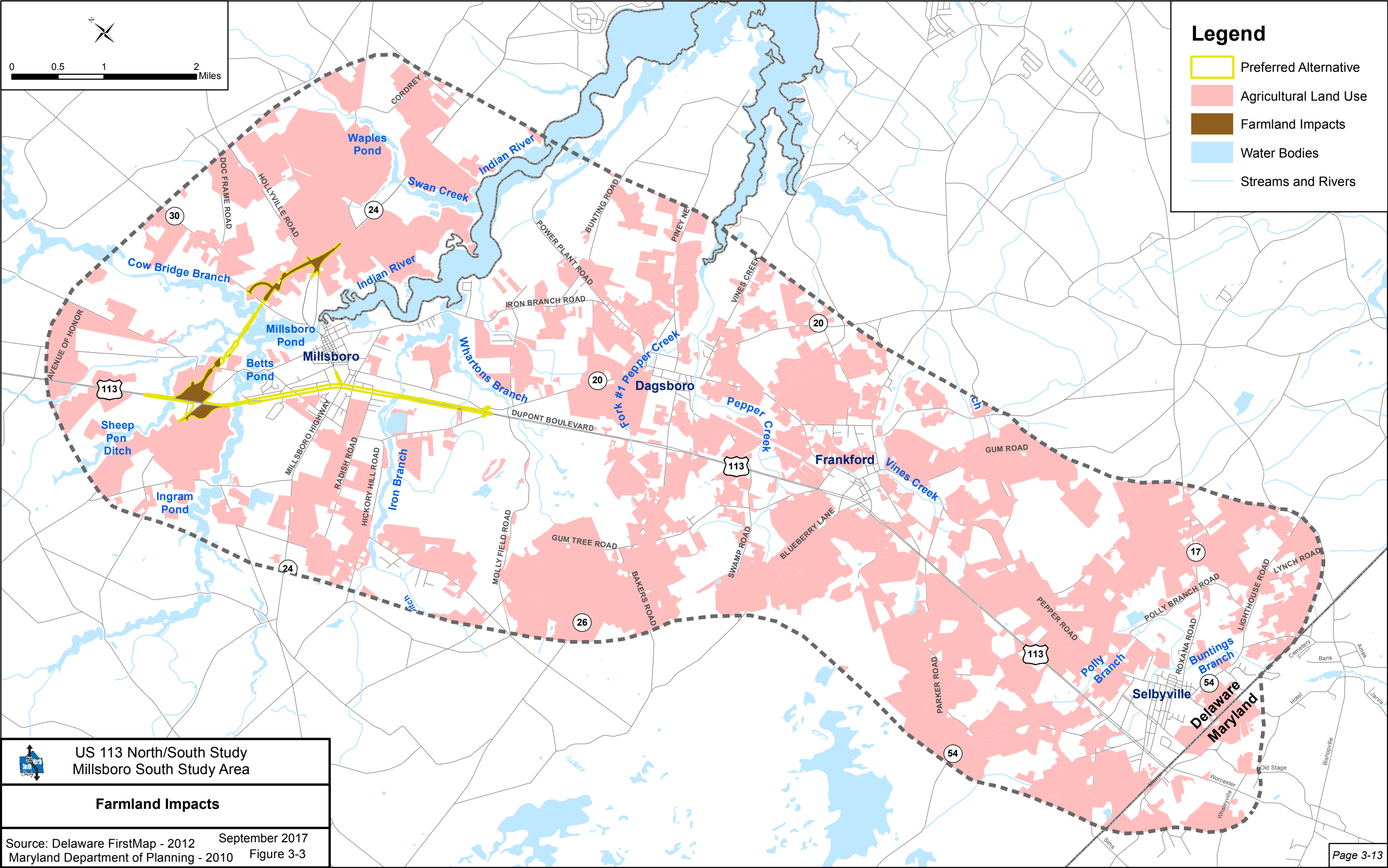
1: State of Delaware FirstMap 2012 Land Use/ Land Cover

2: This impact information includes prime farmland soils already impacted or proposed for development. Includes "prime farmland if irrigated."

3: State of Delaware First Map 2016

The Preferred Alternative would impact 4.6 acres of prime farmland. There are five agricultural districts in the study area. One of these, the Chorman Expansion of the Baxter Farms, Inc. District, would be impacted by the Preferred Alternative. The 17-acre district is located on one parcel along Washington Street Extension, north of SR 24 between Gravel Hill Road and Hollyville Road. Approximately two acres of the district would be impacted. There are 11 permanent agricultural preservation easements scattered throughout the study area; none would be impacted by the Preferred Alternative.

Property owners would be contacted regarding potential acquisitions and would be fairly compensated for the required acreage. In the case of agricultural preservation lands, compensation would be determined based on the "highest and best development use of the property with no consideration given to the restrictions and limitations" of the preservation agreement (3 *Delaware Code, Chapter 9, Subchapter IV, Section 922*). Compensation would also be provided for any farmland that may be unsuitable or inaccessible for farming purposes as a result of the roadway improvements. For those farm operations that are subject to relocation, owners would be provided relocation assistance in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Act of 1970*, as amended.







### 3.3 COMMUNITY FACILITIES AND SERVICES

The existing community facilities and services in the study area have not changed substantially since the publication of the SDEIS. **Figure 3-4** shows the community facilities in the study area and **Table 3-8** lists the facilities and their corresponding map ID numbers.

FHWA has determined that impacts to Millsboro Pond resulting from the Preferred Alternative will be *de minimis* per Section 4(f). More detail is included in **Section 3.6**. The following Section 4(f) criteria were applied as part of this National Environmental Policy Act (NEPA) process to facilitate Section 4(f) review and advance the project for federal approvals:

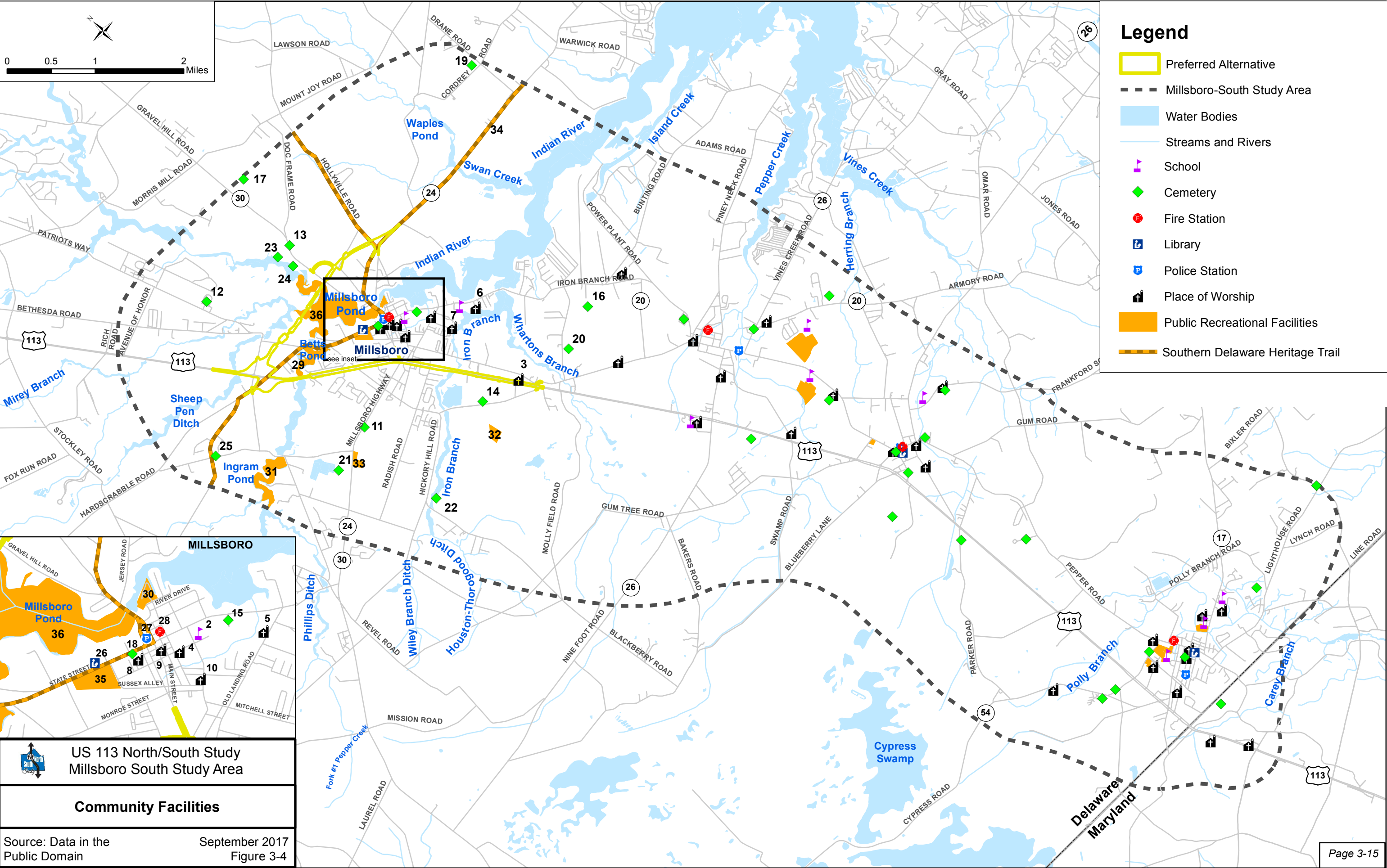
- *Public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property must be provided. This requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period provided on a NEPA document.*
- *The FHWA shall inform the official(s) with jurisdiction of its intent to make a de minimis impact finding per 774.5 (b): Following an opportunity for public review and comment as described in paragraph (b)(2)(i) of this section, the official(s) with jurisdiction over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This occurrence may be combined with other comments on the project provided by the official(s).*

#### 3.3.1 Traffic and Transportation

The No-build Alternative would affect future travel patterns. Traffic volumes on existing US 113 in the Millsboro-South Area are projected to increase by 20 percent by 2040, resulting in increased congestion and decreased safety. This congestion is likely to encourage drivers to seek alternate routes around the congested areas, resulting in increased traffic on secondary roads.

Less than one percent of the study area population uses public transportation to commute to work. The two existing bus routes in the study area could be positively affected by reduced congestion along the corridor. No negative impacts to public transit are expected from the Preferred Alternative.

The Preferred Alternative would improve travel patterns for vehicles, trucks and buses by decreasing traffic and reducing congestion along US 113 and surrounding roadways. The Preferred Alternative provides an additional lane in each direction along US 113 for approximately 2.8 miles (between SR 20 and Betts Pond Road), increasing the roadway's capacity and improving traffic flow. The new SR 24 Connector would provide increased accessibility, mobility, and safety by providing an additional east/west connection to existing SR 24 and reducing traffic through downtown Millsboro.





**Table 3-8: Community Facilities**

Figure 3-4 ID	Name	Location
<b>Schools</b>		
1	East Millsboro Elementary School	29346 Iron Branch Road
2	Millsboro Middle School	302 East State Street
<b>Religious Institutions</b>		
3	Dickerson Chapel AME	28845 DuPont Boulevard
4	Grace United Methodist Church	330 E. Church Street
5	Jesus New Pentecostal Prayer Room	26580 Old Landing Road
6	New Holy Trinity Church of God in Christ	1 <sup>st</sup> Street
7	Saint Luke Baptist Church	St Luke Road
8	St. Mark's Episcopal Church	corner of West State & Ellis Streets
9	United Faith Church of Deliverance	214 Main Street
10	Wesleyan Church of Millsboro	255 Wilson Highway
<b>Cemeteries</b>		
11	Adkins/Old Field Cemetery	Millsboro Highway, between Godwin School Road & Kendall Street
12	DE Veteran's Memorial Cemetery	26669 Patriot's Way
13	Frame Family Cemetery	west of Gravel Hill Road, ~ 0.1 mile south of Doc Frame Road
14	Marvel Family Cemetery	east side of Handy Road, ~ 0.5 miles south of Hickory Hill Road
15	Millsboro Cemetery	State Street (next to middle school)
16	Mumford Family Cemetery	south of Iron Branch Road, in wooded area next to power line adjacent to Secluded Lane
17	Pauper Cemetery	west of Gravel Hill Road, between Doc Frame & Mount Joy Roads
18	St. Mark's Episcopal Church Cemetery	West State & Ellis Streets
19	Thoroughgood Cemetery	near intersection of Cordrey & Drane Roads
20	unnamed cemetery	agricultural field at the corner of Thorogoods Road and the railroad tracks
21	unnamed cemetery	between the quarry on Dutton Lane & Millsboro Highway
22	unnamed cemetery	near intersection of Injun Town & Hickory Hill Roads
23	unnamed cemetery	west of Gravel Hill Road, near Cow Bridge Branch
24	unnamed cemetery	west of Gravel Hill Road, near Cow Bridge Branch
25	unnamed cemetery	north side of Godwin School Road, ~ .06 miles west of Country Living Road
<b>Libraries</b>		
26	Millsboro Public Library	Millsboro
<b>Emergency Services</b>		
27	Millsboro Police Department	307 Main Street
28	Fire Company Station 83	109 East State Street
<b>Public Parks and Recreation Facilities</b>		
29	Betts Pond	Betts Pond Road
30	Cupola Park	Morris Street and Indian River
31	Ingram Pond	Godwin School Road
32	new park #1	Handy Road
33	new park #2	Millsboro Highway
34	Southern Delaware Heritage Trail	Sussex County/Millsboro
35	W. B. Atkins Memorial Park	State Street
36	Millsboro Pond	Millsboro

Source: Delaware Department of Education, Sussex County GIS, John Milner Associates, internet searches, field reconnaissance



### **3.3.2 Neighborhoods**

The No-build Alternative would not directly impact neighborhoods. However, the increased traffic congestion along existing US 113 and adjacent streets that would result from the No-build Alternative would make it more difficult to travel between neighborhoods and may create difficulty traveling between residences and businesses. In addition, congestion on arterial routes could result in increased cut-through traffic in some neighborhoods.

The SR 24 Connector would have little impact on community cohesion in Millsboro because the alignment would bypass the municipality completely. However, this portion of the Preferred Alternative would place a roadway in the rural area adjacent to the town, potentially separating it from the surrounding farms and rural residences. The portion of the Preferred Alternative along the existing US 113 corridor, while modifying some access points, would maintain access; therefore, community cohesion would not be substantially impacted. The Preferred Alternative would also benefit the surrounding neighborhoods through improved travel patterns for vehicles, trucks, and buses by decreasing traffic and reducing congestion along US 113 and surrounding roadways. The SR 24 Connector would increase connectivity, linking parts of the study area that were previously less accessible, and would reduce traffic passing through the Town of Millsboro.

### **3.3.3 Schools**

The No-build Alternative would not result in impacts to schools within the study area. The Preferred Alternative would not result in direct impacts to school grounds. Temporary or permanent road closures resulting from the Preferred Alternative would affect school bus routes. DelDOT would coordinate with the Indian River School District to minimize disruptions to school bus routes. The Preferred Alternative would also benefit the surrounding neighborhoods and schools by decreasing traffic and reducing congestion along US 113 and surrounding roadways.

### **3.3.4 Religious Institutions**

The No-build Alternative would not result in impacts to religious institutions within the study area. The Preferred Alternative would involve modified access to the Dickerson Chapel AME Church. Approximately 0.1 acres of the church property abutting US 113 could be impacted during construction.

### **3.3.5 Cemeteries**

The No-build Alternative would not impact any known cemeteries within the study area. No known cemeteries would be directly impacted by the Preferred Alternative. If any graves are identified during construction of the Preferred Alternative, DelDOT would seek to avoid direct impacts to those areas.





### 3.3.6 Libraries

None of the libraries in Selbyville, Frankford, or Millsboro would be impacted by the No-build Alternative or the Preferred Alternative, and no mitigation is required.

### 3.3.7 Emergency Services and Health Care

No emergency services or health care facilities would be directly impacted by the Preferred Alternative or the No-build Alternative; therefore, no mitigation is proposed for the Preferred Alternative. Delays in emergency response times may occur during construction; however, coordination with emergency providers would occur prior to and during construction to minimize impacts. The Preferred Alternative would improve access on US 113 and along the SR 24 Connector, which could result in faster emergency response times due to reduced congestion and better access.

### 3.3.8 Parks and Recreation Facilities

The No-build Alternative would not result in impacts to parks and recreational facilities. The Preferred Alternative would impact Millsboro Pond by converting an estimated 1.65 acres to a transportation use, and 0.2 acres of temporary use to construct a bridge over the pond. Millsboro Pond has a total size of approximately 151 acres. The impact to the property's key features would be minimal. The Preferred Alternative would not adversely affect the fishing and boating activities which constitute the primary recreational use of the pond, and would have a *de minimis* impact per Section 4(f).

In a letter dated April 26, 2017, the Town of Millsboro provided concurrence on the Section 4(f) *de minimis* determination for Millsboro Pond, stating, "[...]the Town of Millsboro has determined that the Millsboro Pond is a significant property and concurs that the acquisition of 1.65 acres of fee simple right of way will not permanently adversely affect the Millsboro Pond. The Town further concurs that, based upon current design information and the commitment on the part of DelDOT to minimize disturbance within the recreation area, impacts to the property that could be expected to result from the project will not adversely affect activities, features, and attributes of the recreational facilities." (See **Appendix D.**)

More information on the Section 4(f) *de minimis* impact to Millsboro Pond is included in **Section 3.6**. Additionally, no Section 6(f) resources or facilities that received funding from the Delaware Land and Water Conservation Trust Fund would be impacted by the project. No other parks or recreational facilities would be impacted by the Preferred Alternative. Refer to **Section 3.3.8** of the **DEIS** for more information on parks and recreational facilities.



### 3.3.9 Utilities

The No-build Alternative would not result in impacts to utilities. The information on impacts on utilities from the SDEIS has not changed; refer to **Section 3.3.9** of the **DEIS**. Utility impacts resulting from the Preferred Alternative would require utility relocations. These relocations would involve aerial and underground utilities and could include existing water, sewer, electric, gas, cable, and fiber optic communications. DelDOT would coordinate with the appropriate service providers for any required movements of utility lines. Construction would be phased to minimize service interruptions.

## 3.4 AESTHETICS AND VISUAL QUALITY

Aesthetics and visual quality within the study area have not substantially changed since the publication of the SDEIS. Refer to **Section 3.4** of the **DEIS** for more information. The No-build Alternative would have no effect on the visual or aesthetic quality of the study area. Except for the effects of increasing congestion on the roadways, the landscape would continue to evolve with increasing development.

The SR 24 Connector portion of the Preferred Alternative would be located in a mostly rural area dominated by agriculture, forest land, and scattered residences. There also are several stream and wetland systems near this portion of the Preferred Alternative. The portion of US 113 that would be modified under the Preferred Alternative passes through more urbanized areas, with a mix of residences, small businesses, and larger commercial business/retail centers.

The new roadway alignment construction would be less than three miles, resulting in visual impacts in the Town of Millsboro and the surrounding area north of the Indian River. The new SR 24 Connector would be a two-lane, undivided roadway. Because the topography in the area is flat, areas that are somewhat distant would have views of the new roadway as well. Existing natural land cover, farmlands, forests, and open spaces would change in character. In many places, the view of farm fields would be replaced by the view of a roadway and traffic, and the new roadway would be visible from numerous homes.

Due to the scattered nature of housing in the study area, mitigation for visual impacts is not feasible. Improvements to the existing US 113 corridor would mainly stay within existing transportation right of way and would thus have minimal visual impact.

## 3.5 CULTURAL RESOURCES

The cultural resources within the study area have not changed substantially since the publication of the DEIS. Refer to **Section 3.5** of the **DEIS** for more information. Further information on the architectural resources is included in the *Evaluation of NRHP Eligibility for Architectural Properties in the Millsboro-South Study Area, US 113 North/South Study*, dated January 2012, which is available online at <http://www.deldot.gov/information/projects/us113/millsboro>.





**Figures 3-5** and **3-6** show the architectural resources within 600 feet of the Preferred Alternative. **Table 3-9** lists those resources, their corresponding map ID numbers, and their National Register of Historic Places (NRHP) status.

**Table 3-9: Architectural Historic Properties within 600 Feet of the Preferred Alternative**

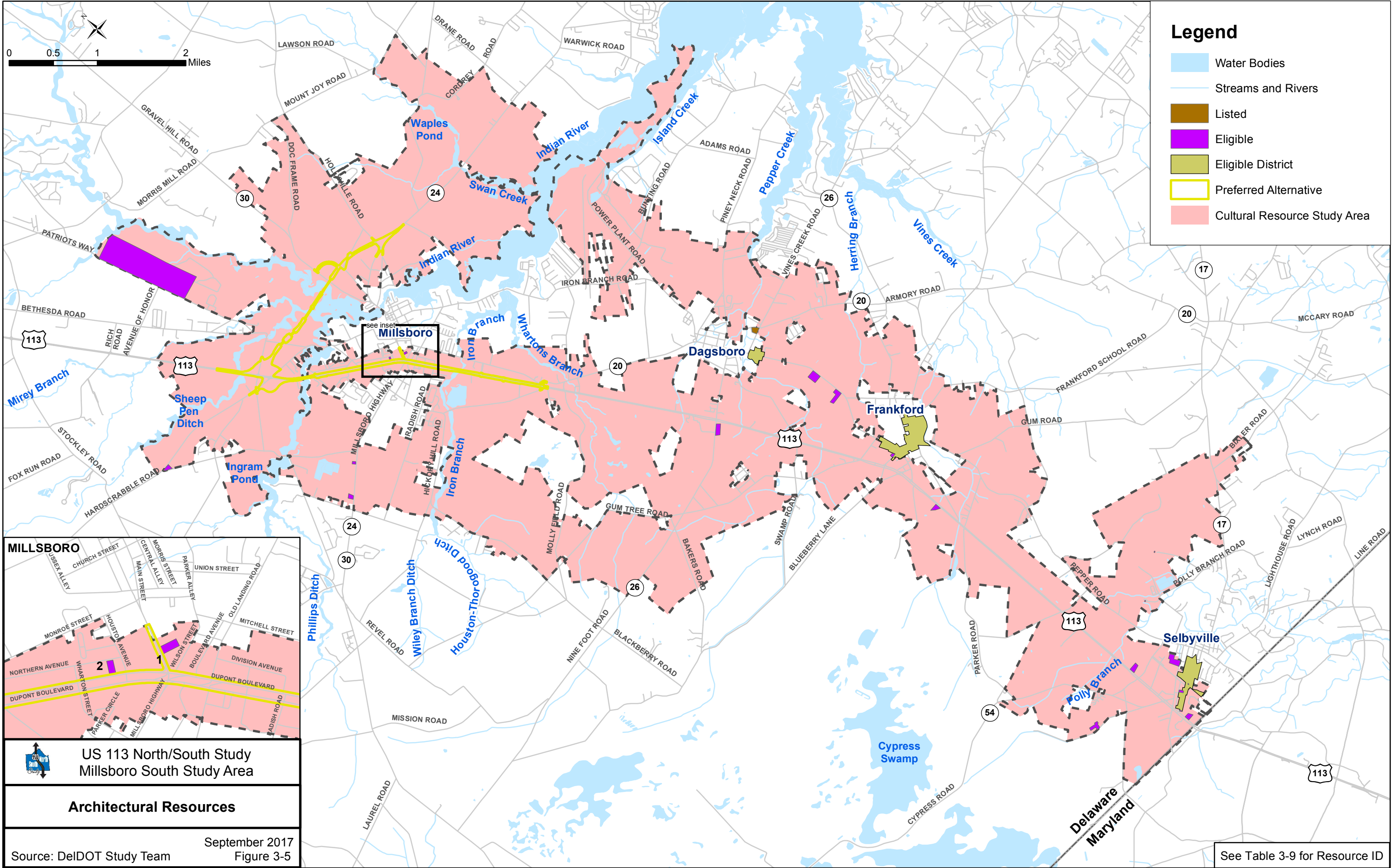
Figure 3-5 ID	Cultural Resources Survey No.	Property Name	NRHP Status
1	S-10873	Charles B. Houston House	Eligible
2	S-10611	Walter McKinley Betts House	Eligible

\* Note: the Perry Shockley House referenced in the DEIS has been demolished.

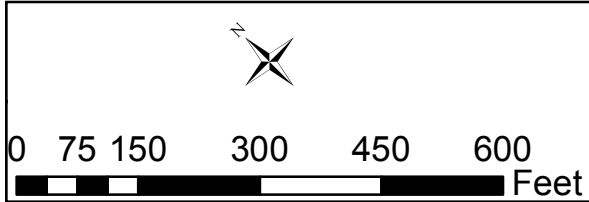
Throughout the NEPA process, environmental analysis, agency coordination, and preparation of the environmental documentation, DelDOT has consulted with the SHPO and the Sussex County Preservation Planner about the project's potential effect on historic properties. The public, including impacted or involved historic property owners, has been consulted throughout the planning process.

The Section 106 Memorandum of Agreement (MOA) has been developed to formalize Section 106 consultation, resolve adverse effects, and present a mitigation plan for all adversely affected historic properties, including a plan to identify and evaluate archaeological sites (**Appendix C**). On August 24, 2016, FHWA notified the Advisory Council on Historic Preservation (ACHP) and the federally-recognized Native American tribes of the revised Draft MOA and the intent to include a copy of the Draft MOA in the SDEIS. FHWA initiated nation to nation consultation with the Delaware Nation, Stockbridge-Munsee Community, and Delaware Tribe of Indians. On September 14, 2016, the ACHP concluded that they do not believe that their participation in the consultation to resolve adverse effects is warranted at this time. Copies of the correspondence are included in **Appendix C**.

On September 19, 2016, the Stockbridge-Munsee Community indicated to FHWA that they do not have known cultural areas within the proposed area of potential effect (APE) and were opting out of consultation for this project. On September 20, 2016, the Delaware Tribe of Indians requested to remain a consulting party and provided comments on the Draft MOA. Copies of correspondence are included in **Appendix C**. As this project moves forward with its Section 106 consultation under the Final MOA (**Appendix C**) FHWA (and, when applicable, DelDOT on behalf of FHWA) will continue its consultation on a nation to nation basis with the federally-recognized tribes. DelDOT will also initiate and continue any consultation with the two state (non-federally) recognized tribes (Nanticoke Indian Tribe and the Lenape Indian Tribe of Delaware). No other consulting parties or persons of interest have been identified.

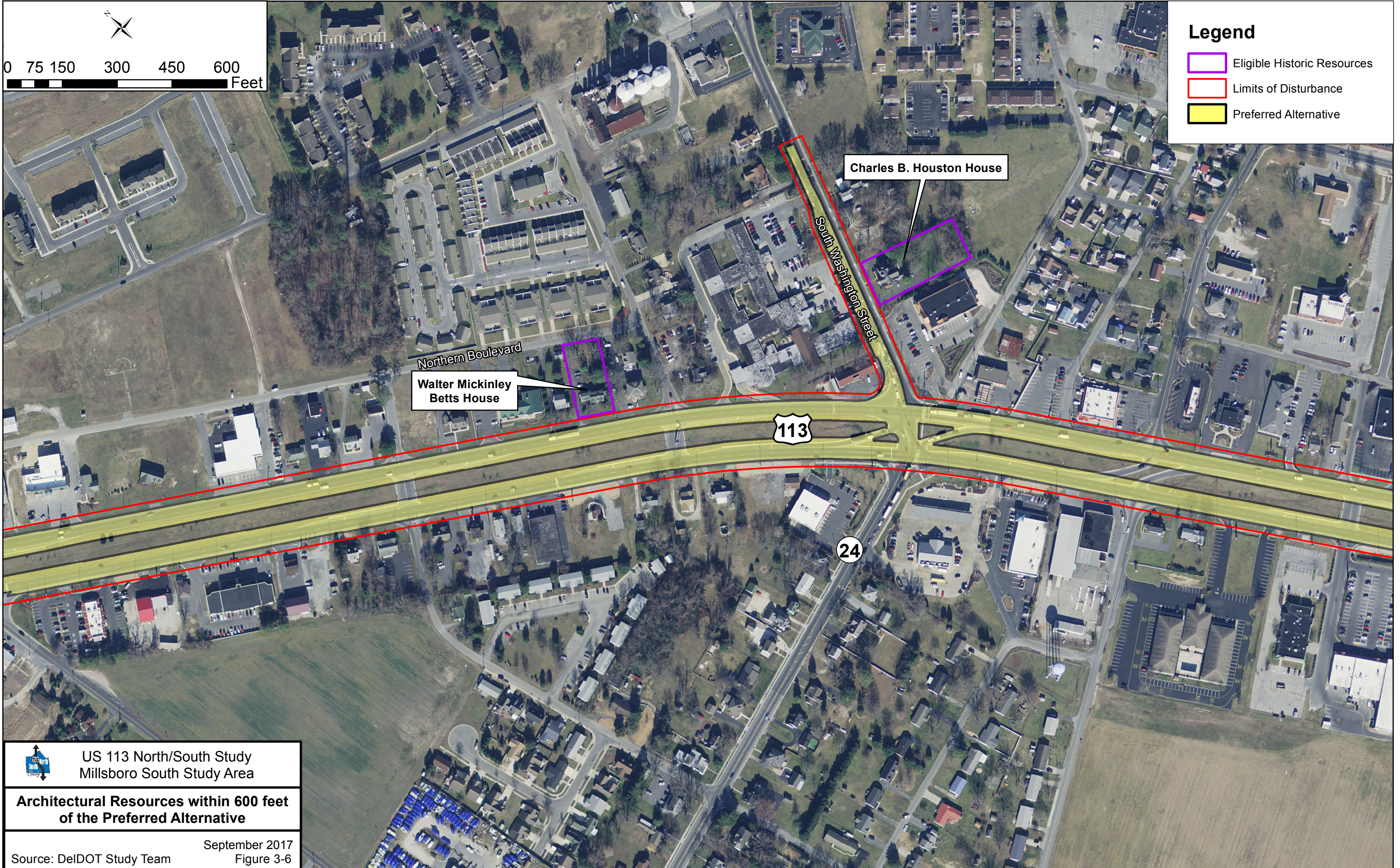







**Legend**

- Eligible Historic Resources
- Limits of Disturbance
- Preferred Alternative





US 113 North/South Study  
Millsboro South Study Area

**Architectural Resources within 600 feet  
of the Preferred Alternative**

Source: DelDOT Study Team

September 2017  
Figure 3-6





### 3.5.1 Effects to Historic Properties

DelDOT would make a reasonable effort to avoid or to minimize adverse effects to the identified eligible historic buildings that are listed in **Table 3-9** and any as yet unidentified historic resources as the project develops. After preliminary plans have been submitted, FHWA and DelDOT, in consultation with the Delaware SHPO, would formally apply the Criteria of Adverse Effect in accordance with 36 Code of Federal Regulations (CFR) Part 800.5.

If the project would have an adverse effect on historic buildings, DelDOT, in consultation with the SHPO and the property owner, would develop a mitigation plan. Options for mitigation would depend upon the nature of the adverse effect that the project would have on the eligible property and may include measures to address physical property impacts or visual and/or auditory impacts. Possible mitigation measures may include landscaping features, the development of pamphlets, videos, historical markers, brochures, websites, exhibits, displays for public buildings, booklets on the history of the project area, lectures or presentations at academic conferences, and/or public institutions such as schools and historical societies. Additionally, if the project would have a physical impact to an eligible resource, FHWA and DelDOT would evaluate possible Section 4(f) use.

The No-build Alternative would not result in impacts to architectural resources within the study area. The Preferred Alternative has the potential to affect two architectural resources.

### 3.5.2 Archaeological Potential

The No-build Alternative would not result in impacts to archaeological resources within the study area. To estimate the areas of sensitivity potentially affected by the Preferred Alternative, the archaeological predictive model was overlaid with the proposed LOD. **Table 3-10** shows the results of the model, compared with the No-build Alternative.

DelDOT is committed to completing the archaeological analysis necessary to determine the NRHP eligibility of archaeological resources that may be affected by ground-disturbing activities. To date, a comprehensive Phase I archaeological identification has not been completed. The Final MOA establishes the process for identifying archaeological resources within the study area of the Preferred Alternative and evaluating eligibility for the NRHP. Additional efforts may include a more comprehensive Phase I analysis and consultation on the need for further investigation.

If eligible archaeological sites are identified and affected, DelDOT would make a reasonable effort to avoid these sites or to minimize impacts to them. If the eligible sites cannot be avoided, DelDOT would apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5 and traditional or alternative forms of archaeological mitigation would be utilized. These are addressed in the Final MOA (refer to **Appendix C**).



**Table 3-10: Archaeological Potential of the Preferred Alternative**

Archaeological Resources	No-build Alternative	Preferred Alternative
Known Archaeological Sites	0	1
Prehistoric Sensitivity in the Limit of Disturbance		
High Sensitivity Area (acres / %)	0	7 (3.5%)
Moderate Sensitivity Area (acres / %)	0	10 (5.0%)
Low Sensitivity Area (acres / %)	0	38 (19.1%)
Slight Sensitivity Area (acres / %)	0	144 (72.4%)
Early Historic-Period Sensitivity in the Limit of Disturbance		
High Sensitivity Area (acres / %)	0	15 (7.5%)
Moderate Sensitivity Area (acres / %)	0	3 (1.5%)
Low Sensitivity Area (acres / %)	0	0 (0%)
Slight Sensitivity Area (acres / %)	0	181 (91.0%)
Later Historic-Period Sensitivity in the Limit of Disturbance		
Extant Locations	0	80
High Sensitivity Locations	0	8
Moderate Sensitivity Locations	0	10
Low Sensitivity Locations	0	2

## 3.6 SECTION 4(f) RESOURCES

### 3.6.1 Introduction

Pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. § 303) and FHWA's implementing Section 4(f) regulations (23 CFR 774), publicly-owned land of a public park, recreation area, or wildlife and waterfowl refuge, or land of an historic site of national, state, or local significance were identified within the US 113 North/South Study: Millsboro-South Area.

A total of 45 potential Section 4(f) resources were identified within the study area. Three Section 4(f) properties were identified in the DEIS with potential Section 4(f) use: the Indian River Archaeological Complex, the Selbyville Historic District, and Millsboro Pond. The Preferred Alternative would not impact the Indian River Archaeological Complex or the Selbyville Historic District due to revisions to the alignment since the DEIS was published. Refer to the **DEIS** for more information.

Based on the Section 4(f) analysis and consultations with jurisdictional officials conducted to date, FHWA has determined that the Preferred Alternative would have a *de minimis* impact to Millsboro Pond. No other properties would incur a Section 4(f) use. The Section 4(f) determination has been made based on coordination with jurisdictional officials. Agency comments and public input on the project have been shared with jurisdictional officials consistent with 23 CFR 774.5(b).



Section 4(f) states that the “use” of a Section 4(f) resource may not be approved unless it is determined that there is no feasible and prudent alternative to the use and all possible planning to minimize harm to the resource has been included, or the use has been determined to be “*de minimis*.” Avoidance and minimization of impacts to Section 4(f) resources were considered in the development of all build alternatives evaluated in the DEIS, SDEIS, and this FEIS.

With respect to parks, recreation areas, or wildlife or waterfowl refuges, FHWA may make a finding of *de minimis* impact only if:

- After public notice and opportunity for public review and comment, FHWA finds that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and
- The finding has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

### 3.6.2 Millsboro Pond

Millsboro Pond is a publicly-owned park with public access and is a Section 4(f) resource. Key activities that occur within the 151-acre park are boating (boats with motors greater than five horsepower are prohibited) and fishing. The Preferred Alternative would result in a use of Millsboro Pond because it would require the construction of two bridges that would span the pond, requiring piers, as shown in **Figure 3-7**.

The impact to the property’s key features would be minimal, and would only convert an estimated 1.65 acres to a transportation use, with an additional 0.2 acres required for temporary use for the construction of bridge piers in the pond. Millsboro Pond has a total size of approximately 151 acres. The Preferred Alternative would be designed to maintain at least six feet of clearance to allow for continued recreational access for boats and other small watercraft. The Preferred Alternative would not disrupt access via the DNREC boat ramp on SR 30. Therefore, FHWA has determined that the use is *de minimis*.

In a letter dated April 26, 2017, the Town of Millsboro provided concurrence on the Section 4(f) *de minimis* determination for Millsboro Pond, stating, “[...]the Town of Millsboro has determined that the Millsboro Pond is a significant property and concurs that the acquisition of 1.65 acres of fee simple right of way will not permanently adversely affect the Millsboro Pond. The Town further concurs that, based upon current design information and the commitment on the part of DelDOT to minimize disturbance within the recreation area, impacts to the property that could be expected to result from the project will not adversely affect activities, features, and attributes of the recreational facilities.” (See **Appendix D**.)

*Relationship of Resource to Corridor:* Millsboro Pond is located to the east of US 113 in the Town of Millsboro (**Figure 3-7**).





Area: Millsboro Pond consists of approximately 151 acres.

Ownership: Millsboro Pond is owned by the Town of Millsboro, with the exception of the boat ramp, which is owned and operated by DNREC.

Activities: Fishing and boating are allowed in the pond.

Access: Access is provided via a boat ramp built by DNREC off of SR 30. Boat motors are restricted to five horsepower.

Similarly Used Land: Nearby Betts Pond and the Indian River offer a similar environment for boating and fishing.

Clauses: There are no known clauses to the use of the land.

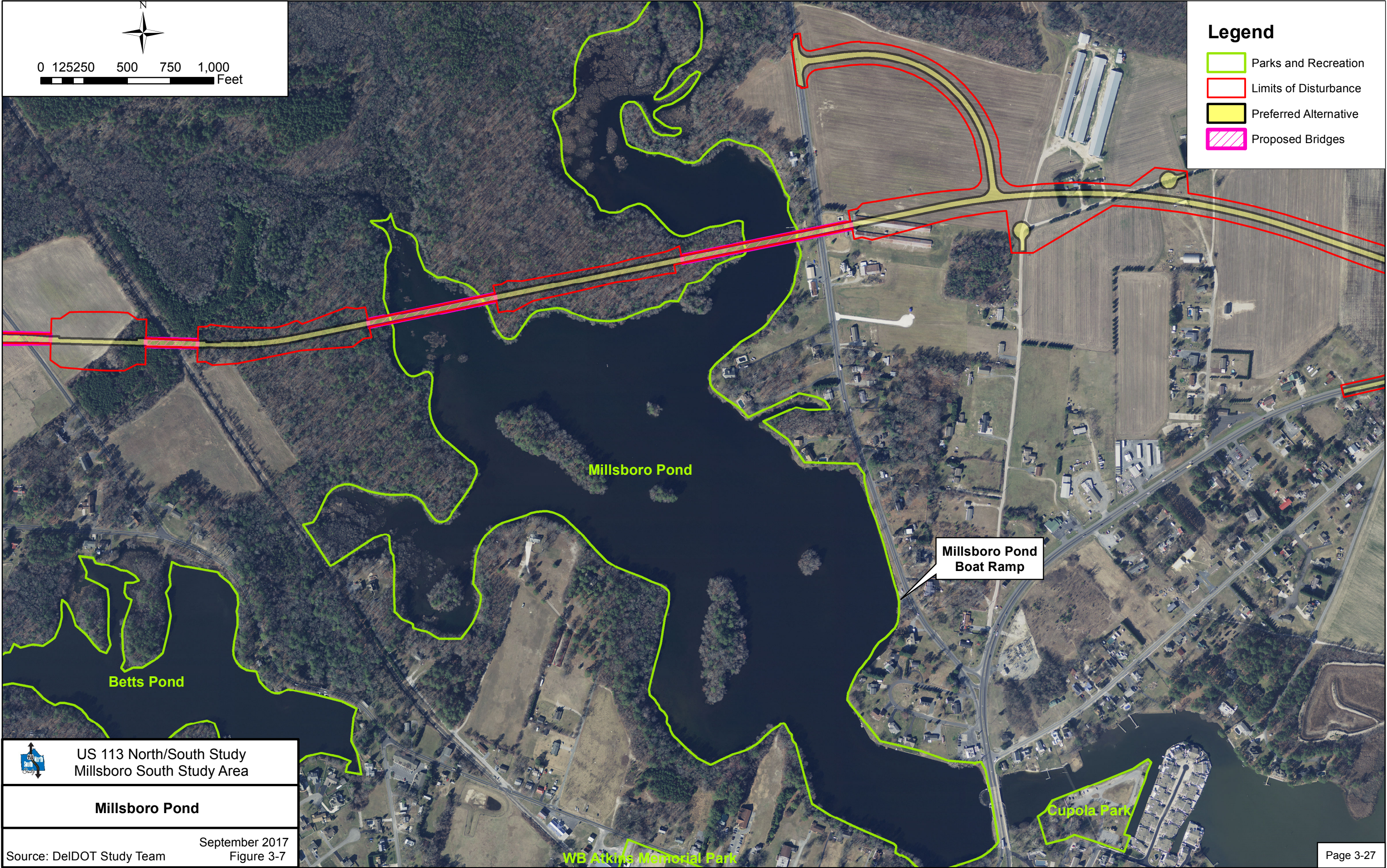
Public Coordination: Impacts to the pond were shown at the SDEIS Public Hearing held at the Millsboro Civic Center on February 7, 2017. Comments received during the SDEIS comment period are included in **Appendix B** with accompanying responses.

Agency Coordination: The Town of Millsboro, the official with jurisdiction over Millsboro Pond, provided written concurrence that the Preferred Alternative would result in a *de minimis* impact to Millsboro Pond in a letter dated April 26, 2017. The letter is included in **Appendix D**.

### 3.6.3 Conclusion

FHWA has determined that the Preferred Alternative would not adversely affect the activities, features, and attributes of Millsboro Pond that are eligible for protection under Section 4(f). This FEIS therefore constitutes FHWA's final Section 4(f) determination of a *de minimis* impact to Millsboro Pond. Because FHWA has determined that the use of Millsboro Pond results in a *de minimis* impact to that property, the Section 4(f) process is complete. An analysis of avoidance alternatives is not required and a Section 4(f) Evaluation is not necessary.





0 125 250 500 750 1,000 Feet

**Legend**

- Parks and Recreation
- Limits of Disturbance
- Preferred Alternative
- Proposed Bridges

Millsboro Pond

Betts Pond

Millsboro Pond Boat Ramp

Cupola Park

WB Atkins Memorial Park



US 113 North/South Study  
Millsboro South Study Area

**Millsboro Pond**

Source: DelDOT Study Team

September 2017  
Figure 3-7





### 3.7 ENERGY

Initially, the No-build Alternative would require less energy consumption than the energy consumed during construction of the Preferred Alternative. In the long term, the energy consumption resulting from projected traffic congestion in 2040 with the No-build Alternative is likely to exceed the energy consumption associated with the Preferred Alternative in place, and may exceed the initial energy consumption for construction.

### 3.8 AIR QUALITY

The No-build Alternative would not result in impacts to air quality. The regulatory framework for air quality considerations has not changed substantially since the publication of the DEIS. Refer to **Section 3.7** of the **DEIS** and the **SDEIS Air Quality Technical Report (AQTR)** for more information.

#### 3.8.1 National and State Ambient Air Quality Standards

Refer to the **SDEIS Air Quality Technical Report (AQTR)** for more information on the applicable state and federal standards.

#### 3.8.2 Affected Environment

The DNREC Division of Air Quality operates a series of monitoring stations throughout Delaware. The two closest stations that measure ozone (O<sub>3</sub>) are Lewes and Seaford Shipley State Service Center located in Sussex County, approximately 15 and 18 miles away, respectively. The Lewes site also monitors nitrogen dioxide (NO<sub>2</sub>). The closest carbon monoxide (CO) monitoring station in Delaware is in Delaware City, almost 70 miles north of the project while the closest station is Horn Point due west in Maryland, approximately 45 miles away. The **SDEIS AQTR** includes the ambient air pollutant levels monitored at these stations for the years 2012 through 2015, where applicable. The ambient concentrations of CO and NO<sub>2</sub> levels are well below the National Ambient Air Quality Standards (NAAQS) from 2012 through 2015. The ozone levels are above the NAAQS, within the range of the definition of marginal nonattainment, but show a decreasing trend. Refer to the **SDEIS** for additional details about the air quality assessment.

Air quality is regulated at the federal level under the *Clean Air Act (CAA)* and *EPA's Final Conformity Rule (40 CFR Parts 51 and 93)*. Section 107 of the 1977 CAA Amendment requires the EPA to publish a list of all geographic areas in compliance with the NAAQS, as well as those not attaining the NAAQS. Areas not in compliance with NAAQS are deemed non-attainment areas. Areas which were previously deemed non-attainment areas, but which recently achieved compliance with the NAAQS, are deemed maintenance areas. The designation of an area is based on the data collected by the state monitoring network on a pollutant-by-pollutant basis.



The Millsboro-South Area is located in southern Sussex County, which is designated as an attainment area for all of the criteria air pollutants except for the 2008 8-hour O<sub>3</sub> standard, for which the area is designated marginally nonattainment.<sup>1</sup>

### 3.8.3 Environmental Consequences

As discussed in the **SDEIS AQTR**, two project-level analyses were conducted for this project:

- Intersection Analysis – An analysis was conducted to evaluate the potential for air quality impacts in the vicinity of intersections within the study area (this analysis was performed for CO).
- Construction Emissions Inventory – An emissions inventory was prepared for CO, particulate matter (PM)<sub>10</sub>, PM<sub>2.5</sub>, sulfur dioxide (SO<sub>2</sub>), nitrogen oxide (NO<sub>x</sub>), and volatile organic compounds (VOC) during the period of construction.<sup>2</sup>

CO is the only criteria pollutant whose localized effects currently require a detailed, microscale mobile source impact evaluation for roadway projects at the EIS level. Analysis of construction-period emissions is not required for transportation conformity purposes. However, for disclosure purposes under the NEPA, construction emissions must be reported. Results from the Intersection Analysis indicate that concentrations of CO either remain the same or decrease with the proposed project in 2040. The maximum annual project-relative construction emissions are as follows: CO – 9.6 tons, NO<sub>x</sub> – 5.6 tons, PM<sub>10</sub> – 25.6 tons, PM<sub>2.5</sub> – 2.9 tons, SO<sub>2</sub> – less than 0.1 tons, VOC – 8.5 tons. Each analysis, and the results from the study, are presented in the **SDEIS AQTR**.

### 3.8.4 Mitigation

The Preferred Alternative would not cause or contribute to a violation of the NAAQS. Emissions from construction activities would be reduced by performing construction activities in accordance with DelDOT's *Road Design Manual*<sup>3</sup> as well as the following best management practices (BMP):

- Reduction of exposed erodible surface area through appropriate materials and equipment staging procedures;
- Covering of exposed surface areas with pavement or vegetation in an expeditious manner;
- Reduction of equipment idling times;
- Reduction of vehicles speeds onsite;
- Ensuring contractor knowledge of appropriate fugitive dust and equipment exhaust controls;

<sup>1</sup> EPA, Green Book 8-Hr Ozone (2008) Nonattainment Areas/State/County Report, <http://www3.epa.gov/airquality/greenbook/hnca.html#6163> and Green Book Designations, <https://www3.epa.gov/airquality/greenbook/define.html#Ozone2008Classifications>. A marginal nonattainment area for NAAQS 2008 8-hour ozone standard is designated as an area that has a design value of 0.076 up to but not including 0.086 parts per million (ppm).

<sup>2</sup> In the presence of sunlight, emissions of NO<sub>x</sub> and VOC form O<sub>3</sub>.

<sup>3</sup> Delaware Department of Transportation (DelDOT), *Road Design Manual*, July 2004 (Revisions made on December 13, 2004), [http://deldot.gov/information/pubs\\_forms/manuals/road\\_design/index.shtml](http://deldot.gov/information/pubs_forms/manuals/road_design/index.shtml).



- Soil and stock-pile stabilization via cover or periodic watering;
- Use of low- or zero-emissions equipment;
- Use of covered haul trucks during materials transportation;
- Reduction of electrical generator usage, wherever possible; and,
- Suspension of construction activities during high-wind conditions.

### 3.9 NOISE

The No-build Alternative would not result in impacts to noise levels within the study area. The regulatory framework and existing conditions for noise have not changed substantially since the publication of the **DEIS**. Refer to **Section 3.8** of the **DEIS** for a description of the criteria for determining noise impacts, analysis procedures and methodology, measured existing conditions, and construction noise. Additional details about the noise analysis are provided in the **SDEIS Noise Technical Report (NTR)**.

#### 3.9.1 Predicted Noise Levels

FHWA requires noise to be analyzed in the “worst noise hour” of the day. The worst noise hour traffic condition represents a combination of vehicle volume, classification mix, and speed to produce the worst traffic noise condition that would be experienced along the project corridor. For future conditions within the project area, the worst noise hour typically occurs when traffic volumes approach peak conditions along existing US 113, SR 20, and SR 24. Refer to the **SDEIS NTR** for details on the traffic analysis.

A comparison of predicted Existing, No-build and Preferred Alternative noise level ranges is shown in **Table 3-11**. Levels that exceed the Noise Abatement Criteria (NAC) are shown in bold, blue font.

**Table 3-11: Predicted Design Year Noise Levels**

Noise Sensitive Area (NSA)	Area Land Use	Range of Predicted Worst-Hour Leq Exterior Noise Levels (dB(A))		
		Existing	No-build	Preferred Alternative
01	Single family residences at the intersection of SR 20 / Hardscrabble Road and US 113, also Bethesda Road.	56- <b>67</b>	56- <b>68</b>	56- <b>68</b>
19	Single family residences on Kerlyn Drive and North Oak Drive.	54- <b>68</b>	55- <b>69</b>	55- <b>69</b>
20	Single family residences, between Delaware Avenue and Laurel Road, on US 113, Parker Circle and SR 30.	51- <b>71</b>	52- <b>72</b>	52- <b>71</b>
21	Single family residences south of Laurel Road, on US 113, SR 30 / Laurel Road, Irons Avenue and Grace Street.	46- <b>67</b>	46- <b>67</b>	52- <b>68</b>
23	Single family residences, north of Handy Road and SR 20, on US 113, Handy Road, Route 337A, and Route 83.	56- <b>67</b>	56- <b>68</b>	56- <b>68</b>
24	Single family and multi-family residences, south of Old Landing Road, on US 113, Route 83, Sawyer Loop, 2nd Street and Ollie Lane.	54- <b>68</b>	55- <b>69</b>	55- <b>69</b>





**Table 3-11: Predicted Design Year Noise Levels**

Noise Sensitive Area (NSA)	Area Land Use	Range of Predicted Worst-Hour Leq Exterior Noise Levels (dB(A))		
		Existing	No-build	Preferred Alternative
25	Single family residences, between Old Landing Road and Washington Street, on Old Landing Road, Boulevard Avenue and Route 339B.	51-71	52-72	52-71
26	Atlantic Shores Rehab and Health Center, single family and multi-family residences, north of Washington Street, on US 113, Route 82A and Northern Boulevard.	46-67	46-67	52-68
27	Single family residences and town homes, south of Betts Pond, on US 113, Delaware Avenue, West Monroe Street, Country Place, Millstone Lane, Millers Run and Pine Lodge.	56-67	56-68	56-68
28	Single family residences, between Betts Pond and SR 24 Connector, on US 113, Betts Pond Road, Heritage Lane and Lakeside Lane.	54-68	55-69	55-69
29	Single family residences near the eastern portion of SR 24 Connector, on SR 30, John Williams Highway, Horseshoe Drive, Jersey Road and Walt Carmean Lane.	51-71	52-72	52-71

### 3.9.2 Impact Assessment/Abatement

#### 3.9.2.1 Impact Assessment

Fifty-four properties are predicted to have noise impacts under the Preferred Alternative, as shown in **Table 3-12**. The Preferred Alternative impacts include noise levels that exceed the NAC for Category B residential land uses, as well as impacts caused by a substantial increase in noise levels (defined as an increase of 12 a-weighted sound decibels (dB(A)) or greater than existing levels). One Category B noise impact is predicted in Noise-Sensitive Area (NSA) 29 due to a substantial increase of 12 dB(A) or greater, even though the predicted Build noise level is less than 66 dB(A).

#### 3.9.2.2 Mitigation Feasibility / Reasonableness Policy

Whenever traffic noise impacts are identified, mitigation is evaluated for feasibility and reasonableness (refer to **Section 3.8** of the **DEIS** for details regarding feasibility and reasonableness). The analysis takes into account the overall social, economic, and environmental effects of roadway noise. Consideration is given to exterior areas where frequent human use occurs. In addition to noise barriers, other noise abatement measures such as traffic management, alteration of roadway horizontal and vertical alignments, or acquisition of property for buffer zones are considered as well.

**Table 3-12: Summary of Noise Modeling Results**

NSA	Number of Properties with Existing Sound Levels at NAC or Higher	Number of Properties with No-build Sound Levels at NAC or Higher	Number of Properties with Build Sound Levels at 66 dB(A) or Higher or Experiencing a 12 dB(A) or Greater Increase
01	1	2	2
19	1	1	1
20	7	7	7



NSA	Number of Properties with Existing Sound Levels at NAC or Higher	Number of Properties with No-build Sound Levels at NAC or Higher	Number of Properties with Build Sound Levels at 66 dB(A) or Higher or Experiencing a 12 dB(A) or Greater Increase
21	9	9	9
23	1	2	2
24	1	1	1
25	0	0	0
26	4	4	4
27	20	22	22
28	5	7	4
29	1	3	2
<b>Total</b>	<b>50</b>	<b>58</b>	<b>54</b>

### 3.9.2.3 Mitigation Feasibility / Reasonableness Determination

Mitigation must be both feasible and reasonable in order to be implemented. The first step in the determination process is to assess feasibility. Feasibility issues for each NSA are as follows:

- NSA 01 – fewer than three impacted receptors in a common noise environment.
- NSA 19 – fewer than three impacted receptors in a common noise environment.
- NSA 20 – mitigation would eliminate access to residences.
- NSA 21 – mitigation would eliminate access to residences.
- NSA 23 – fewer than three impacted receptors in a common noise environment.
- NSA 24 – fewer than three impacted receptors in a common noise environment.
- NSA 25 – no impacts, therefore mitigation is not warranted.
- NSA 26 – mitigation would eliminate access to residences and health center.
- NSA 27 – mitigation would eliminate access to first-row single-family residences; mitigation for second-row single family residences and town homes would eliminate access for first-row commercial properties.
- NSA 28 – mitigation would eliminate access to residences.
- NSA 29 – fewer than three impacted receptors in a common noise environment.

In conclusion, mitigation was determined to not be feasible for any NSA. Since mitigation is not feasible, no further assessment of potential reasonableness was analyzed, and no mitigation is proposed.



### 3.9.2.4 Other Considerations

Undeveloped land falls under activity Category G in 23 CFR Part 772, Noise Abatement Criteria. This category applies to all lands that are undeveloped and do not have any development plans which have been issued bona-fide building permits by the effective date of public knowledge of the project. No mitigation is considered for this land use category, but predicted noise levels, conveyed as distances from the edge of roadway to reach impact criteria for various land uses, are provided for local planning officials to consider when permitting future development. Areas identified for planned or proposed development are shown on the alignment sheets in **Appendix A**.

Three Category G areas were identified with potential for future development. These areas are along the SR 24 Connector, US 113 north of Hardscrabble Road, and US 113 south of Hardscrabble Road. Noise levels were assessed using predicted build traffic data specific to these links, with modeled noise receptors at the same elevations as the roadways to depict worst-case noise propagation. Distances from the edge of roadway to NAC levels of 66 dB(A) (Category B and C) and 71 dB(A) (Category E) are shown in **Table 3-13**.

**Table 3-13: Predicted Distances to Impacts for Category G Undeveloped Land**

Area	Distance to 66 dB(A)	Distance to 71 dB(A)
Adjacent to SR 24 Connector	133 feet	36 feet
Adjacent to US 113, north of Hardscrabble Road	234 feet	95 feet
Adjacent to US 113, south of Hardscrabble Road	167 feet	51 feet

## 3.10 HAZARDOUS MATERIALS

The No-build Alternative would not be impacted by hazardous materials. Searches of both the Environmental Protection Agency's (EPA) *Envirofacts* database and the *DNREC Environmental Navigator* database were conducted in August 2009 and November of 2010 to determine the existence of regulated facilities in the study area. The databases were searched again in April 2016 for sites within 600 feet of the LOD of the Preferred Alternative. An additional site, the Biennial Reporting System (BRS), was searched in 2016. This database contains data on generation, shipment, and receipt of hazardous waste. Refer to the **SDEIS** for more information.

### 3.10.1 Affected Environment

According to the EPA's *Envirofacts* database, there are two known Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS, or Superfund) sites in the study area. The first is the NCR Corporation plant on Mitchell Street in Millsboro, which is approximately 900 feet from the LOD of the Preferred Alternative. The second Superfund site is the Millsboro TCE Site, reportedly located at 225 West DuPont Highway, which appears to be within 600 feet of the LOD of the Preferred Alternative. There are no registered Large Quantity



Generators (LQG) in the study area, and there are no facilities in the study area that are listed in the National Compliance Database (NCDB). **Figure 3-8** depicts all of the sites identified within the study area including both Superfund sites. The EPA- or DNREC-regulated facilities located within a 600-foot radius of the LOD are listed in **Table 3-14**.

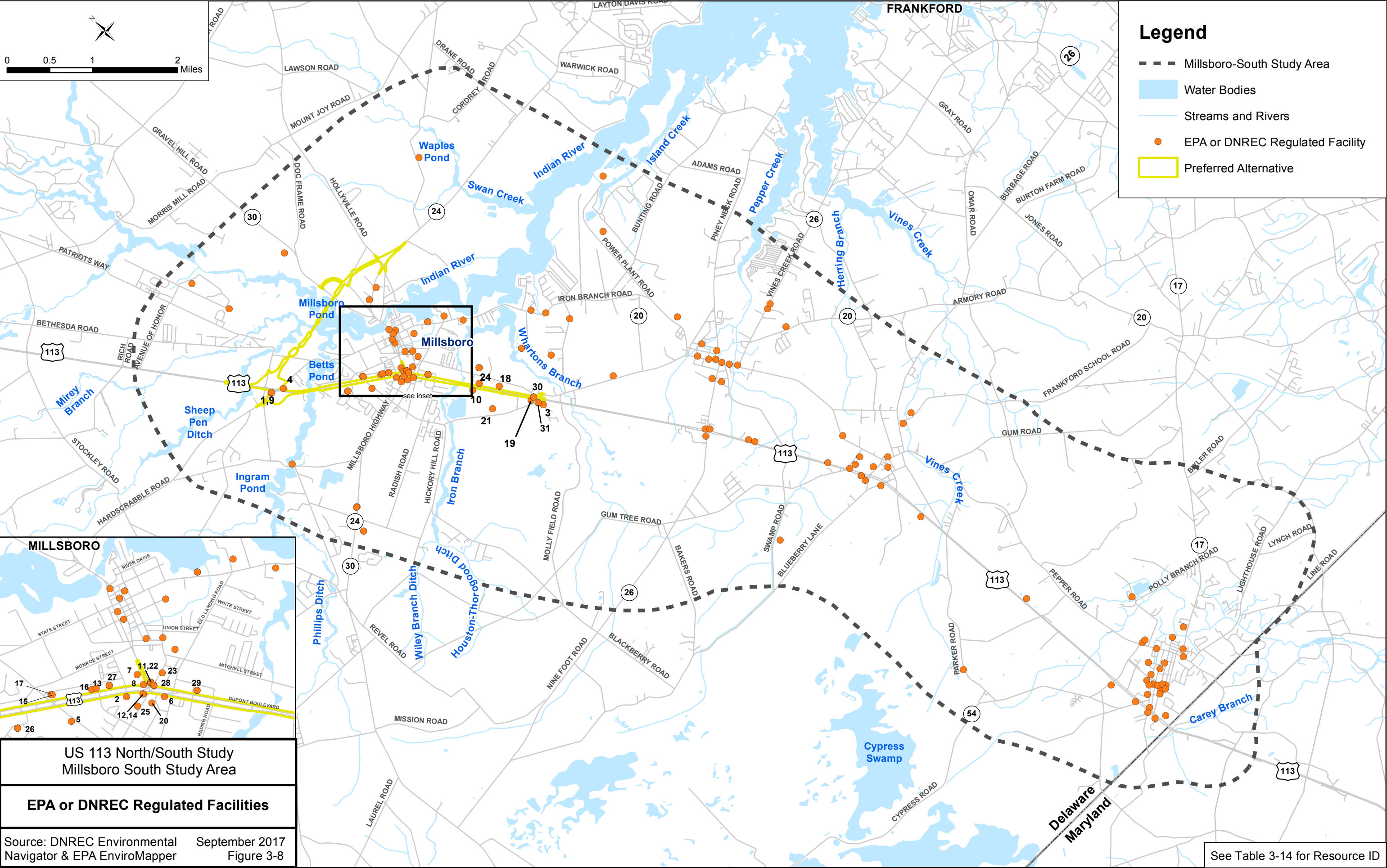
The facilities with the most noteworthy EPA-regulated activities in the study area, in addition to the two Superfund sites listed above, are Delmarva Power Indian River, the former Vlastic Foods, Inc. property, and the four Mountaire Corporation facilities in the area. Delmarva Power Indian River is a coal-powered 784-megawatt electric generation facility located on the Indian River. It has reported air releases, toxic releases, discharges to water, and is a hazardous waste handler. In addition, it has been subjected to enforcement compliance. The former Vlastic Foods facility produced pickles, peppers, and relish at its plant on Iron Branch Road south of Millsboro. The plant had reported air releases, toxic releases, discharges to water, and is a hazardous waste handler. In addition, there is an underground storage tank on site. Mountaire Corporation's facilities in the study area are used for feed mill and hatchery operations, and for poultry processing. The Millsboro facility consists of almost 2,000 acres. Mountaire Corporation's facilities have reported air releases, toxic releases, and discharges to water. They also have underground and above ground storage tanks and are hazardous waste handlers.

### **3.10.2 Environmental Consequences**

One hazardous material site is anticipated to be impacted by the Preferred Alternative. Based upon the available information, there is no evidence of environmental contamination that would render the project area unsuitable for development. Since this is a planning-level study, extensive investigations of individual contamination sites are not practical.

During the preliminary plan stages, the DelDOT Hazardous Materials (HazMAT) Section would make the determination on whether or not a Phase I hazardous materials characterization is required. If during the Phase I site characterization hazardous materials are found to exceed the DNREC and/or EPA reporting requirement limits, the DelDOT HazMAT Team would work with DNREC to document the extent of the contamination and develop a remedial action work plan to effectively limit human and environmental exposure to the contaminants during the construction of the project.









**Table 3-14: EPA or DNREC Regulated Facilities within 600 Feet of the Preferred Alternative**

Facility	Address	Regulated Activity	Figure 3-8 ID
Brasure Property	712 DuPont Boulevard	Underground Storage Tank (UST)	1
Coulbourn Property	116 West DuPont Boulevard	UST	2
Delmarva Power, Millsboro Ops	700 East DuPont Boulevard	Hazardous Waste Handler, UST, and Aboveground Storage Tanks (AST)	3
Eatons Market	712 DuPont Boulevard	UST	4
Frank Smith Nursery	200 Delaware Avenue	UST	5
General Plumbing Supply	118 East DuPont Boulevard	UST	6
Green Valley Terrace	231 South Washington Street	UST	7
Gulabs Tire Center	101 West DuPont Boulevard	UST	8
Millsboro BP #2461	28194 East DuPont Boulevard	UST and AST	9
Millsboro Ford	338 West DuPont Boulevard	Hazardous Waste Generator and UST	10
Millsboro Mobil	US 113 & SR 24	UST	11
Millsboro Shell #480	102 West DuPont Boulevard	UST	12
Millsboro TCE Site	225 North DuPont Boulevard	Superfund Site and Reported Toxic Release	13
Pep Up #18	107 East DuPont Boulevard	UST	14
Schering Plough Animal Health	369 West DuPont Boulevard	Hazardous Waste Generator and Air Emissions	15
Simmons Cable TV	305 West DuPont Boulevard	UST	16
Sterwin Laboratories	US 113 (Millsboro)	UST	17
Suburban Propane	525 DuPont Boulevard	UST	18
Uncle Ted's Trading Post	661 East DuPont Boulevard	UST	19
Wawa #837	102 East DuPont Boulevard	Hazardous Waste Generator and UST	20
Lowe's Home Improvement Store #2795	26688 Centerview Drive	Hazardous Waste Handler	21
Rite Aid #11192	28511 DuPont Boulevard	Hazardous Waste Generator and Hazardous Waste Handler	22
Shultie Residence	428 Wilson Highway	AST	23
Sussex Hydraulics Shop	110 East DuPont Boulevard	UST	24
Walla Property	113 Laurel Road	UST	25
Whaley property	2 Oak Drive	UST	26
Mid-Sussex Medical Center	214 East DuPont Blvd.	Hazardous Waste Generator	27
US 113 Fuel Stop	US 113 (Dagsboro)	AST	28
Family Dollar Stores of DE, Inc. #1399	28541 DuPont Boulevard	Hazardous Waste Handler	29
Indian River Auto Sales	635 West DuPont Boulevard	Hazardous Waste Handler	30
Shore Stop	US 113 & Route 337 (Millsboro)	Air Emissions	31

A contingency inspection and monitoring item and worker health and safety plan would be incorporated into the contract bid documents, if required. All work would be undertaken in compliance with State (Hazardous Substance Cleanup Act (HSCA)) and Federal (Comprehensive



Environmental Recovery and Compensation Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA)) laws.

### 3.11 NATURAL ENVIRONMENT

The natural environment has not changed substantially since the publication of the DEIS. Refer to the **Section 3.10** of the **DEIS** for more information. Below is a summary of the environmental consequences to the natural environment and mitigation of the Preferred Alternative.

#### 3.11.1 Topography, Geology, and Groundwater

The No-build Alternative would not result in impacts to topography, geology, and groundwater. The Preferred Alternative would create 4.4 acres of new impervious surface in previously undisturbed areas, all with groundwater recharge potential classified as Excellent. Best Management Practices (BMPs) would be utilized to minimize the impacts of new impervious surfaces.

The Preferred Alternative would not affect wellhead protection areas. There is no mitigation proposed for impacts to topography, geology, and groundwater.

#### 3.11.2 Soils

The No-build Alternative would not result in impacts to soils. The Preferred Alternative would impact both hydric and prime farmland soils. **Figure 3-9** shows that hydric soils in the study area are generally limited to the areas adjacent to wetlands, creeks, and floodplains. Since all streams crossed during construction would be bridged, hydric soil impacts are likely to be minimal. Hydric and prime farmland soil impacts by the Preferred Alternative are shown in **Table 3-15**. Impacts to prime farmland soil would be minimized to the extent practicable, but unavoidable impacts are an irreversible and irretrievable commitment of resources. There is no mitigation for impacts to prime farmland soils.

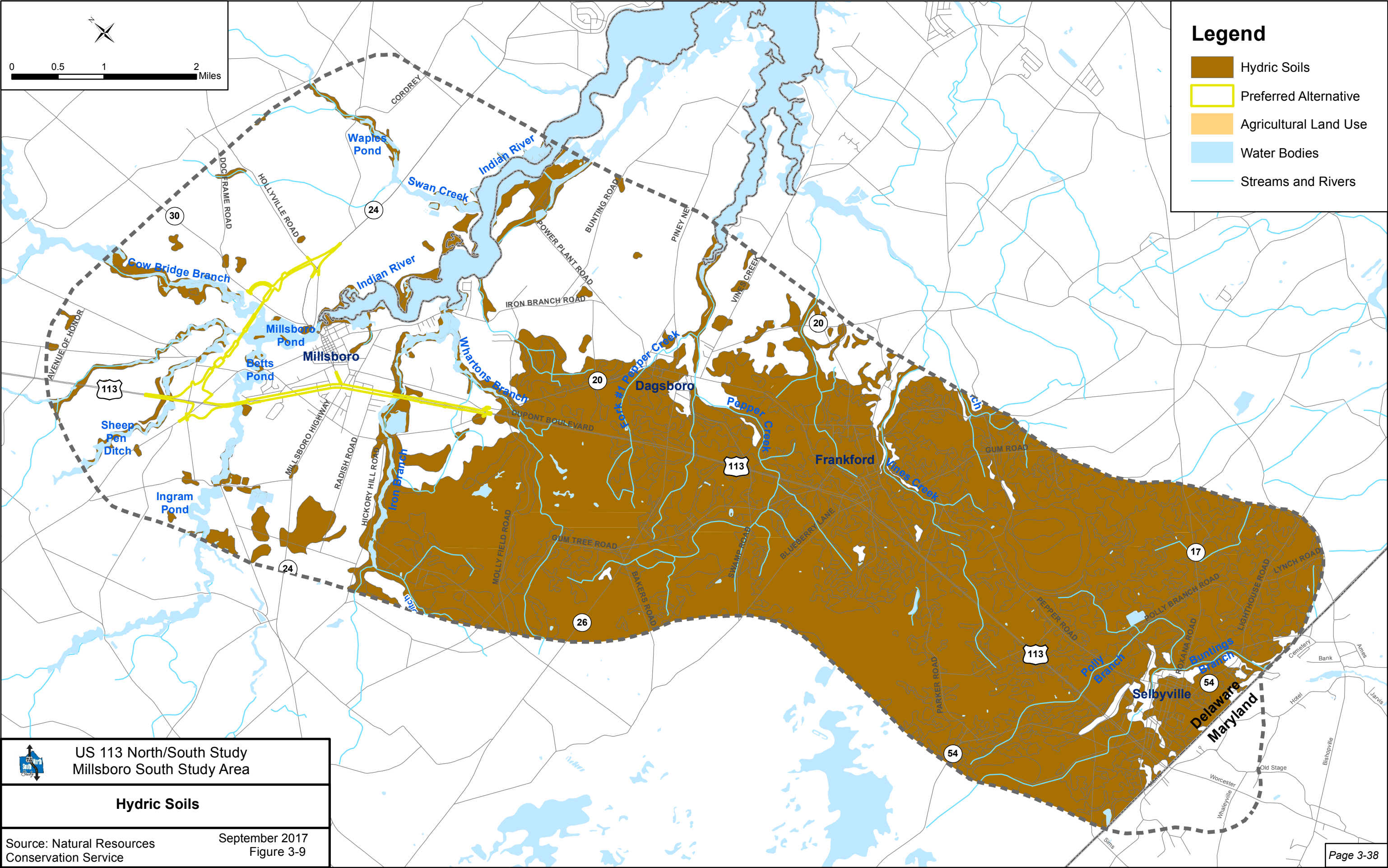
**Table 3-15: Impacts to Hydric and Prime Farmland Soils**

Soil Type	Preferred Alternative
Hydric Soils Impacted (acres)	4.2
Prime Farmland Soils Impacted (acres)	77.0

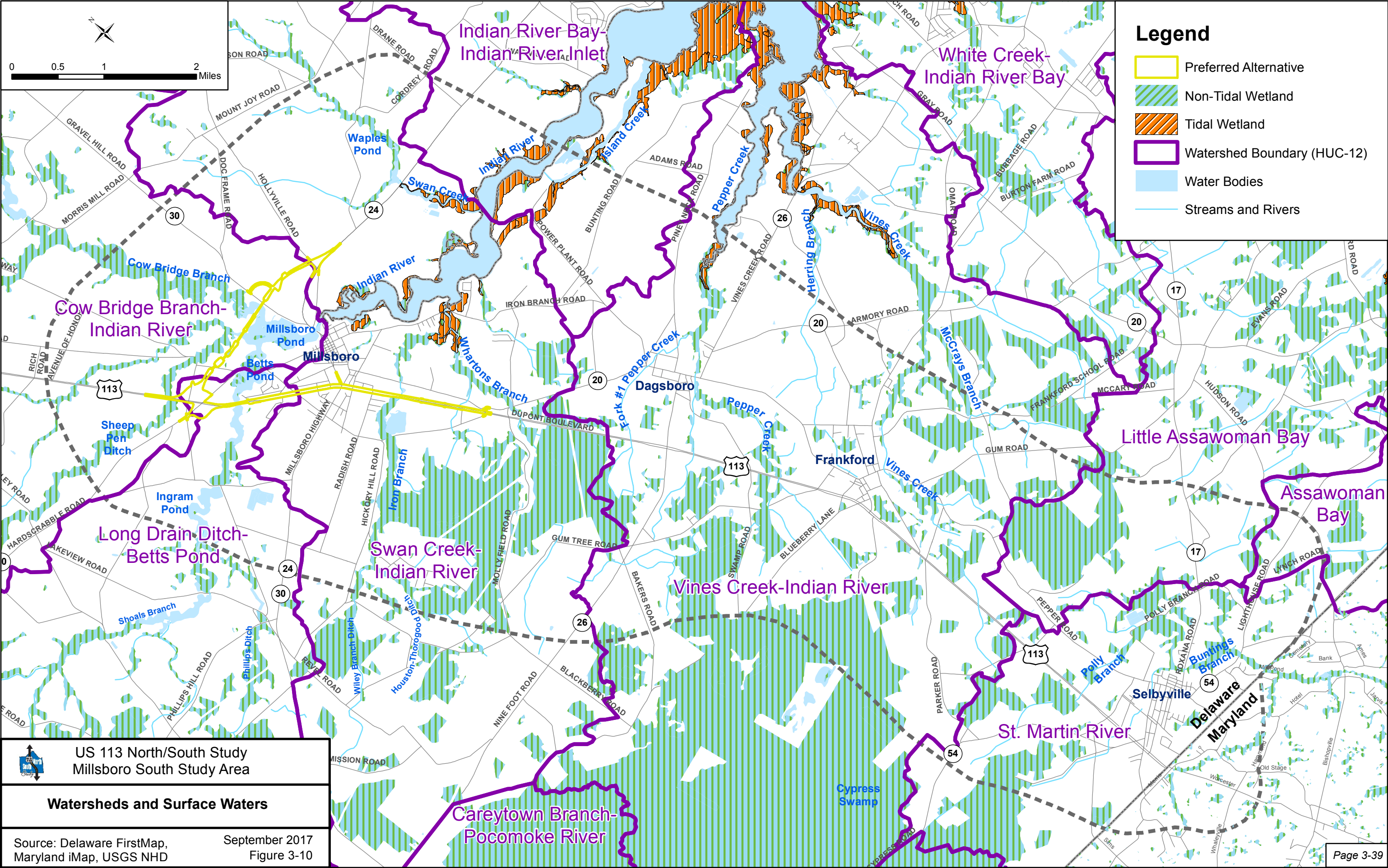
Source: Delaware Office of State Planning Coordination, 2007 & Maryland Office of Planning, 2007

#### 3.11.3 Surface Waters and Water Quality

The No-build Alternative would not result in impacts to surface waters and water quality. The Indian River Bay drainage basin and associated watersheds (Swan Creek Indian River, Indian River Bay Indian River Inlet, Long Drain Ditch Betts Pond, and Cow Bridge Branch Indian River) would be impacted by the Preferred Alternative (refer to **Figure 3-10**).









Roadway projects can result in nonpoint source pollution. Typical pollutants from roadways include heavy metals, asbestos, and engine oils. Another chronic nonpoint pollutant is de-icing salt that is transported into surface and groundwater. Delaware's Sediment and Stormwater Regulations are intended to minimize the amount of nonpoint source pollution that reaches waterways by utilizing BMPs and other acceptable stormwater management techniques as determined at the design stage. Surface water and water quality impacts may be mitigated, if necessary, based on coordination with regulatory agencies.

#### 3.11.4 Floodplains

The No-build Alternative would not result in floodplain impacts. Floodways within the LOD of the Preferred Alternative would be bridged to either eliminate or reduce impacts to floodplains. Final bridge lengths would be determined following consultation with the resource agencies. The Preferred Alternative would impact less than one acre of floodplains. The impacts include displacement due to filling, alteration of drainage patterns, water quality degradation, reduction in flood storage capacity, and effects on floral and faunal communities. Executive Order 11988, *Floodplain Management*, prohibits federal support of incompatible floodplain development unless there is no practicable alternative. Since each of the build alternatives that have been studied would cross floodplains, there are no practicable alternatives that would allow total avoidance. None of the present or historic alternatives would support incompatible floodplain development.

Mitigation of impacts to floodplains would be accomplished by following the general guidelines for the design and construction of culverts and bridges listed in the National Flood Insurance Program. Additionally, the incorporation of BMPs during construction of the proposed project would meet the standards designed to reduce stormwater flows as required by the *Delaware Sediment and Stormwater Law* and the *Delaware Sediment and Stormwater Regulations*.

#### 3.11.5 Waters of the United States, Including Wetlands

The extent of the impacts of highway construction on surface waters is related to the number and nature of surface water crossings. The No-build Alternative would not result in impacts to open waters, linear features, or wetlands.

One large open water resource would be impacted by the Preferred Alternative. The two northern spurs of Millsboro Pond would be crossed by the Preferred Alternative (refer to **Figure 3-10**). Construction of the bridge over Betts Pond would stay within the existing right of way of US 113 and is not likely to impact the pond further. Open water impacts may be mitigated, if necessary, based on function and value assessment and coordination with the regulatory agencies.

**Table 3-16** shows the named surface waters that the Preferred Alternative crosses and the total linear feet of impacts. Impacts to streams, linear subaqueous lands, and tax ditches are often to the same resource, and therefore should not be summed to calculate a total impact figure. The impacts reflect the project's anticipated LOD near the stream crossings. Subaqueous land impacts are based





on an estimate of the State's jurisdictional subaqueous lands in the study area. To date, no jurisdictional determination (JD) has been completed.

**Table 3-16: Surface Water Crossings of the Preferred Alternative**

Water Course Name	Linear Feet of Stream Impacts	Linear Feet of Subaqueous Land Impacts	Linear Feet of Tax Ditch Impacts
Sheep Pen Ditch	25	25	0
Iron Branch	40	40	0
Wharton's Branch	40	40	0
Millsboro Pond	937	937	0
<b>TOTAL</b>	<b>1,042</b>	<b>1,042</b>	<b>0</b>

The impact data shown in **Table 3-16** reflect the new impervious surface in or near surface water crossings for the Preferred Alternative. The No-build Alternative would not have any direct impacts on surface waters. The Preferred Alternative would impact a total of 1,042 linear feet of streams and 1,042 linear feet of subaqueous land. Mitigation for linear feature impacts would be coordinated with the regulatory agencies and would compensate for lost functions and values.

The Preferred Alternative would impact 0.8 acres of palustrine forested wetland, all associated with Sheep Pen Ditch in the Cow Bridge Branch-Indian River watershed (see **Figure 3-10**). These impacts would be to high-quality wetlands. There would be no impacts to medium- or low-quality wetlands. Refer to **Section 3.10.5** of the **DEIS** for more information on wetland impacts.

### 3.11.6 Wild and Scenic Rivers and Natural Landmarks

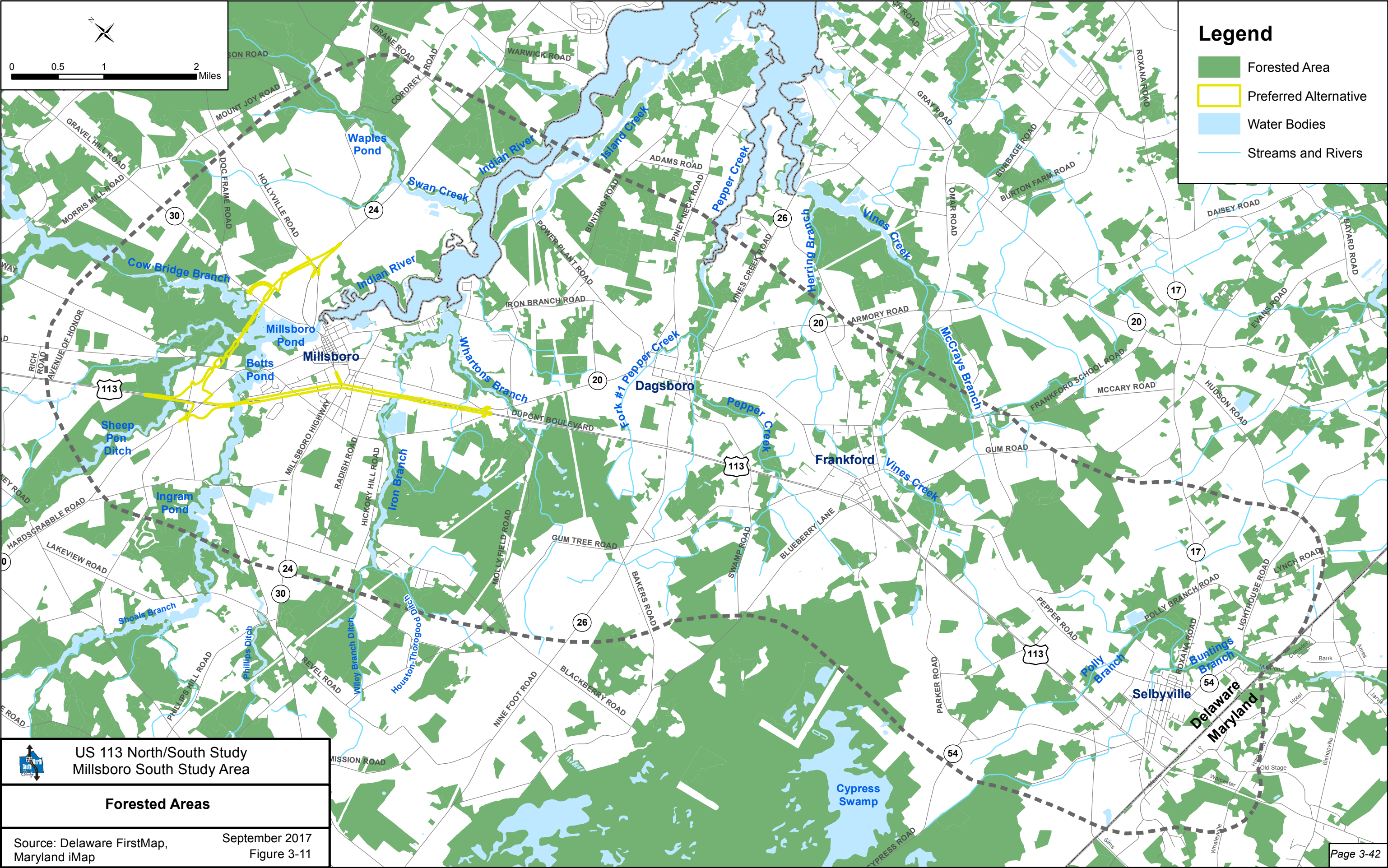
The No-build Alternative would not result in impacts to National Wild and Scenic Rivers or National Natural Landmarks. Additionally, there would be no impacts to National Wild and Scenic Rivers or National Natural Landmarks as a result of this proposed project. Therefore, no mitigation is necessary.

### 3.11.7 Vegetation and Wildlife

The No-build Alternative would not result in impacts to vegetation or wildlife. The Preferred Alternative would impact upland habitat as shown in **Figure 3-11**. Given the predominance of forests and agricultural land in the study area, those were the only types of upland habitats that were considered. A total of 82.6 acres of undeveloped uplands would be impacted.

#### Agricultural Land

The Preferred Alternative would impact approximately 71.2 acres of agricultural land. Impacts may occur due to fragmentation of farmland, making it more difficult to reach some fields or requiring additional effort by farmers to conduct their operations. Compensation for impacted farmland would be provided as discussed in **Section 3.2.4**.





### **Forest Habitat**

The Preferred Alternative would directly impact 11.4 acres of forest land. Additional impacts to forest land include fragmentation and the subsequent increased likelihood of invasive species becoming established in forested areas. Secondary impacts to forest land could occur because the Preferred Alternative passes through some areas with relatively large tracts of contiguous forest.

However, no quantitative assessment has been conducted to determine the amount of fragmentation that would occur. In keeping with the requirements of Delaware's *Landscaping and Reforestation Act*, mitigation would be performed in accordance with Appendix A of DelDOT's *Road Design Manual*. See the **DEIS Natural Resources Technical Report** for more details.

### **State Nature Preserves**

The Preferred Alternative was conceptually located to avoid the Doe Bridge Nature Preserve (see **Figure 3-12**). Since the main alignment of the SR 24 Connector would be located at least 500 feet from the southern border of the Doe Bridge Nature Preserve, impacts would be minimized. While DelDOT is committed to on-going coordination with the Office of Nature Preserves within DNREC, the Program that enforces the legal restrictions associated with the Nature Preserve to protect this ecologically rich area, the need for permits is not anticipated.

### **Wildlife**

Refer to **Section 3.10.7** of the **DEIS** for more information on wildlife and wildlife mitigation measures.

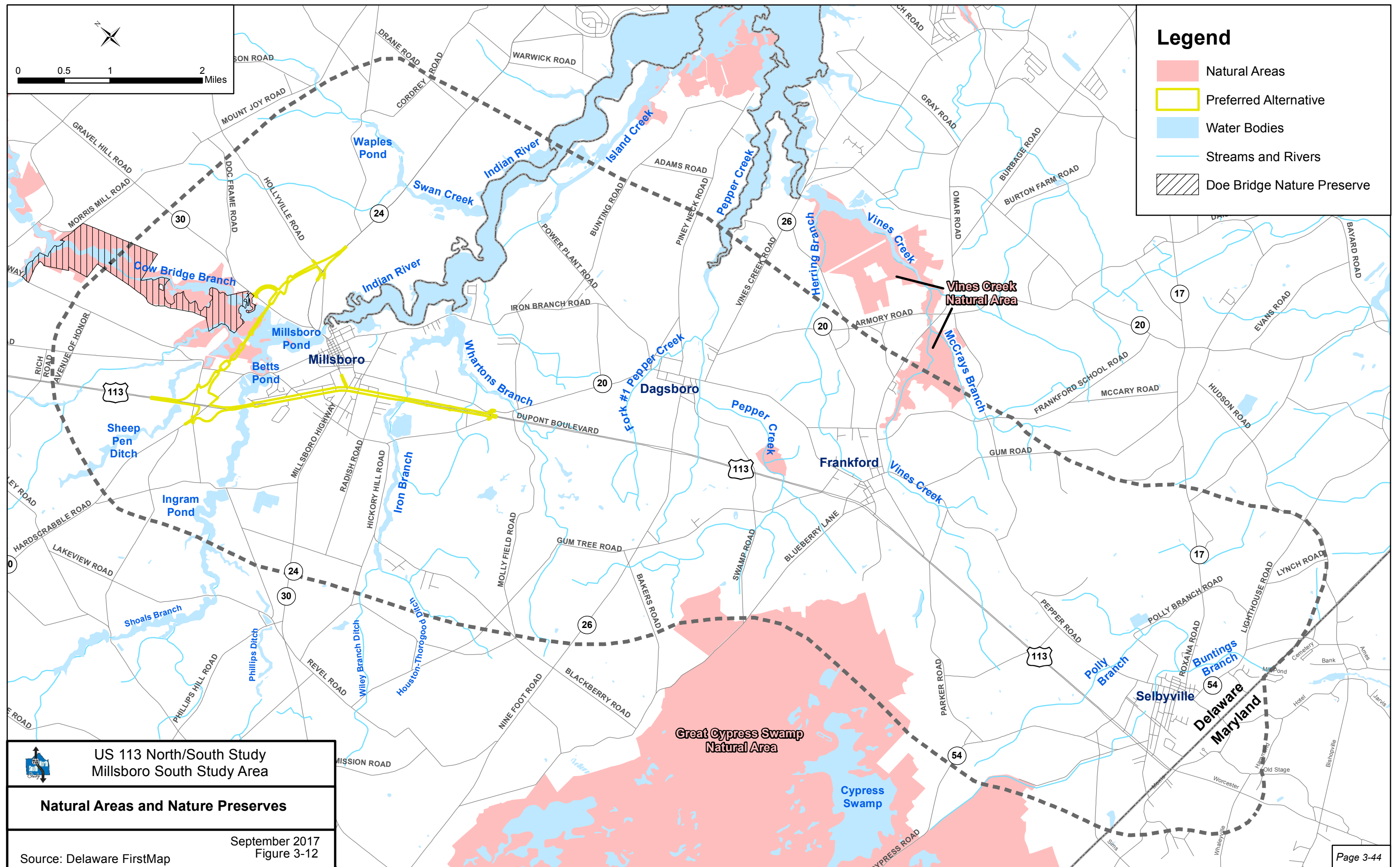
### **Invasive Species**

The Delaware Department of Agriculture (DDA) designates four plant species as noxious weeds: Canada thistle (*Cirsium arvense*), Burcucumber (*Sicyos angulatus*), giant ragweed (*Ambrosia trifida*), and Johnsongrass (*Sorghum halapense*). It is unlawful to allow noxious weed species to flower, exceed 24 inches in height, or to transport their seeds within state borders. DDA administers a Seed Law, which allows the state to sample, inspect, and analyze seed transported within its borders for noxious weed seed. Seed mixes, fertilizer, and soil conditioners must meet state seed standards and construction material brought from an outside source would need to be free of invasive plant material. When practicable, disturbed soils would be covered with native vegetation or mulch to limit the spread of invasive species. Mitigation, if necessary, would be coordinated with the regulatory agencies.

### **3.11.8 Rare, Threatened, and Endangered Species**

The No-build Alternative would not result in rare, threatened, and endangered (RTE) species impacts. RTE species that could potentially be impacted by the Preferred Alternative are included in **Table 3-17**. Refer to **Section 3.10.8** of the **SDEIS** for further information. The Delmarva fox squirrel was delisted in November 2015 due to recent significant recovery of the species. Several additional state species have been delisted as well. A total of 14 species would be potentially impacted by the Preferred Alternative.







**Table 3-17: RTE Species Potentially Impacted by the Preferred Alternative**

Common Name	Scientific Name	Taxon	State Rank
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Vertebrate Animal	very rare (breeding)
Barred Owl	<i>Strix varia</i>	Vertebrate Animal	very rare
Bayonet rush	<i>Juncus militaris</i>	Vascular Plant	rare to very rare
Blackbanded sunfish	<i>Enneacanthus chaetodon</i>	Vertebrate Animal	very rare
Cutleaf water-milfoil	<i>Myriophyllum pinnatum</i>	Vascular Plant	rare to very rare
Chermock's Mulberry Wing	<i>Poanes massasoit massasoit</i>	Invertebrate Animal	extremely rare
A firefly	<i>Photuris frontalis</i>	Invertebrate Animal	extremely rare
Gray-banded zale	<i>Zale squamularis</i>	Invertebrate Animal	extremely rare
Ironcolor shiner	<i>Notropis chalybaeus</i>	Vertebrate Animal	very rare
Mud sunfish	<i>Acantharchus pomotis</i>	Vertebrate Animal	very rare
Red-shouldered Hawk	<i>Buteo lineatus</i>	Vertebrate Animal	very rare
Swamp pink	<i>Helonias bullata</i>	Vascular Plant	very rare
An underwing moth	<i>Catocala ulalume</i>	Invertebrate Animal	extremely rare
Water bulrush	<i>Schoenoplectus subterminalis</i>	Vascular Plant	rare to very rare
Yellow-throated Warbler	<i>Dendroica dominica</i>	Vertebrate Animal	very rare (breeding)

DNREC has indicated that two unique natural communities are within the Preferred Alternative study area: inland dune ridge woodlands and bald cypress-red maple-tupelo swamps.

### Federal Species

Refer to Section 3.10.8 of the DEIS for more information on the Bald Eagle and swamp pink. Following is a discussion of the anticipated evaluations and coordination required for each species:

**Bald Eagle** – Bald Eagle nests have been identified within the study area in close proximity to the Preferred Alternative. Consultation with USFWS and DNREC would be required prior to construction to determine the exact location and extent of the buffers around existing eagle nests and any further site-specific restrictions.

**Swamp Pink** – Although swamp pink has been located within some of the stream valleys in the study area, no occurrences were identified during the preliminary search of the DEIS Alternatives in 2013. A more detailed search for this species would be conducted along each stream and wetland crossing associated with the Preferred Alternative prior to construction. If an occurrence of swamp pink is found, Section 7 consultation with the USFWS would be initiated.

### State Species

Many of the state-listed species included in Table 3-17 as well as the unique natural communities are associated with WOUS, which are protected under Section 404 of the Clean Water Act. Impacts to WOUS would be avoided and minimized in the Preferred Alternative, in turn minimizing impact to state-listed species.

The project team and DNREC would meet at various points throughout the design process to discuss potential impacts to state-listed species and determine potential avoidance and minimization. Additional coordination with the DNREC's Division of Fish and Wildlife would



occur during final design to develop mitigation measures to protect state-listed species and unique natural communities.

### **3.12 CLIMATE CHANGE**

Executive Order 13783, Promoting Energy Independence and Economic Growth, dated March 28, 2017, rescinds the Council on Environmental Quality (CEQ)'s final guidance for federal agencies on how to consider greenhouse gas emissions and the effects of climate change in NEPA reviews.

### **3.13 SEA LEVEL RISE**

The evaluation of sea level rise has not changed substantially since the publication of the SDEIS. Refer to **Section 3.12** of the **DEIS** for more information.

### **3.14 PERMITS**

Refer to **Section 3.13** of the **DEIS** for more information on anticipated permits and approvals.

### **3.15 CONSTRUCTION IMPACTS**

The No-build Alternative would not result in construction impacts. The impacts associated with construction have not changed substantially since the publication of the DEIS. Refer to **Section 3.14** of the **DEIS** for more information. Following is a discussion regarding the constructability of the SR 24 Connector.

#### **Constructability of the SR 24 Connector**

Access to properties would need to be maintained during construction of the SR 24 Connector. Many of the access points are associated with secondary roads that would be intersected by the SR 24 Connector. Some of these can be addressed by advanced contracts that would result in construction of the secondary road crossings. After the secondary road projects are completed, those properties would not be further affected with the construction of the SR 24 Connector.

Utility issues would also be associated with the secondary roads that are intersected by the Preferred Alternative. Utility issues would be addressed in the advanced contracts and eliminated from concern during the construction of the SR 24 Connector alignment. Through the use of advanced contracts, the issue of extended periods of construction can be reduced to a selected few locations, such as the interchange at the tie-in point to existing US 113. Finally, since the SR 24 Connector would be on new alignment, the construction would include a new drainage system.

As previously noted, the proposed SR 24 Connector will require two bridge crossings of the Millsboro Pond. The roadway profile of the connector has been conceptually designed based on the available information to maintain an adequate clearance while minimizing structure height for constructability. Construction access to the pond, including the roadway construction on fill in the





segment between the two bridge crossings, has been preliminary evaluated to avoid any impacts to the areas north of the pond and adjacent to the Doe Bridge Nature Preserve. Based on the preliminary evaluation, it is anticipated that the bridge crossings and roadway in between could be constructed with access from both sides of the pond. Construction vehicle access and equipment/material storage would be provided on land adjacent to Fox Run Road and SR 30 (Gravel Hill Road). This will also require some temporary construction easements as well as temporary impacts to the pond. In June 2017, the project team met with DelDOT Construction and Bridge staff to discuss the proposed bridge construction and potential recommendations based on similar projects in Delaware.

### **3.16 RELATIONSHIP OF LOCAL SHORT TERM USES VERSUS LONG TERM PRODUCTIVITY**

The No-build Alternative would not result in impacts to the relationship of local short term uses versus long term productivity. Additionally, the relationship of local short term uses versus long term productivity has not changed substantially since the publication of the DEIS. Refer to **Section 3.15** of the **DEIS** for more information.

### **3.17 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

The No-build Alternative would not result in impacts to the irreversible and irretrievable commitment of resources. The evaluation of the irreversible and irretrievable commitment of resources has not changed substantially since the publication of the DEIS. Refer to **Section 3.16** of the **DEIS** for more information.

### **3.18 SECONDARY AND CUMULATIVE EFFECTS ANALYSIS**

The No-build Alternative would not result in secondary or cumulative effects and thus has not been included in this analysis. The majority of the secondary and cumulative effects analysis (SCEA) area has not changed substantially since the publication of the DEIS. Refer to **Section 3.17** of the **DEIS** for more information on the past, present, and future land use, and the analysis of secondary and cumulative effects. This section discusses the other projects within the SCEA boundary and updated conclusions of the SCEA.

#### **3.18.1 Other Projects within the SCEA Boundary**

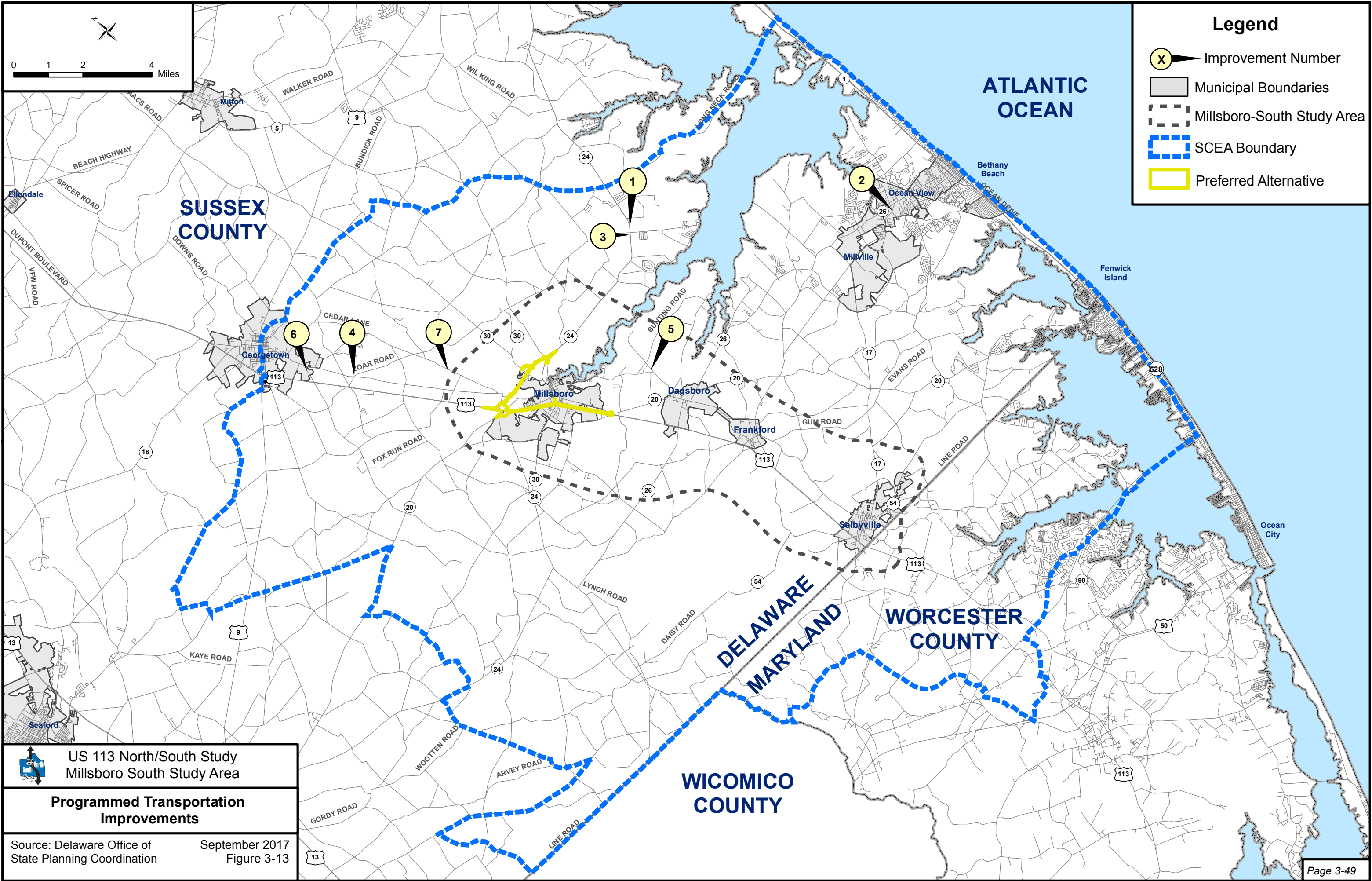
Other projects and “reasonably foreseeable future actions” that could have an influence on the resources within the SCEA boundary have been identified in order to assess the potential for secondary (indirect) or cumulative effects.



### **Programmed Transportation Improvements**

Planned roadway and other transportation improvements within and adjacent to the study area are included in the No-build Alternative and would be completed whether or not the Preferred Alternative is selected. Additional projects that are programmed within the SCEA boundary are identified in Delaware's *Capital Transportation Program* for FY 2017-2022 as of the date of this report. The projects in the study area are detailed below and shown in **Figure 3-13**.

- 1. SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements** – This project includes widening lanes/approaches, operational improvements, and extending turn lanes to meet storage requirements at the two intersections.
- 2. SR 26, Atlantic Avenue from Clarksville to Assawoman Canal** – This project includes improvements to intersections and the addition of five-foot shoulders along the SR 26 corridor from Clarksville to the Assawoman Canal. Sidewalks would be reconstructed from Windmill Road (S362) to the Assawoman Canal. The intersection of SR 26 and Central Avenue would be realigned, and turn lanes would be added in each direction.
- 3. SR 24 at SR 5 /SR 23 Intersection Improvements** – This project would implement access management strategies at the Shell Gas Station driveway along SR 5 with operational improvements on SR 24.
- 4. Zoar Road, Speedway Road, and Bethesda Road Intersection Improvements** – This project will address safety and operational issues at the intersection of Zoar Road, Speedway Road, and Bethesda Road through the construction of a roundabout.
- 5. Iron Branch Road / State Street** – This project entails pavement resurfacing, curb and sidewalk reconstruction, and relocating some utility poles to eliminate or reduce the number of fixed objects in the pavement along State Street/Iron Branch Road in Millsboro.
- 6. Park Avenue Relocation** – This project would begin at the intersection of South Bedford Street and Arrow Safety Road relocating Park Avenue approximately 2,400 feet to the east of the current Park Avenue and South Bedford Street intersection. The segment of Arrow Safety Road between US 113 and South Bedford Street would be upgraded and signed as US Route 9 Truck Bypass Route. The intersection of Arrow Safety Road and South Bedford Street would be reconstructed to provide appropriate turn lanes and a traffic signal.
- 7. Patriots Way (S318), Avenue of Honor to Stockley Branch** – This project would construct turn lanes at the entrance of Sussex Central High School and add shoulders along this portion of Patriots Way. Improvements are needed for the additional bicycle, pedestrian, and bus traffic at the school.







### **Proposed Development Projects**

Planned development projects within the SCEA boundary have been evaluated for their secondary and cumulative effects on resources. The effects of these proposed projects on the natural and built environment may contribute to the cumulative effects of the proposed US 113 project. However, most of the impacts resulting from these projects have not yet been identified.

There are approximately 160 proposed development projects within the SCEA boundary according to Delaware PLUS data (refer to **Figure 3-14**). Roughly 70 percent of the proposals are residential projects, most of which are located closer to the coastline and total over 8,000 acres. Approximately 25 percent of the proposed development involves commercial uses, either exclusively or as part of mixed-use development. Approximately 20 percent of the proposed development projects are located within the Millsboro-South Area. However, none of these projects are dependent upon the completion of the Preferred Alternative.

### **3.18.2 Secondary and Cumulative Effects Analysis Conclusions**

The proposed No-build Alternative would not directly impact resources in the project area. Therefore, there would be no secondary and cumulative effects from the No-build Alternative.

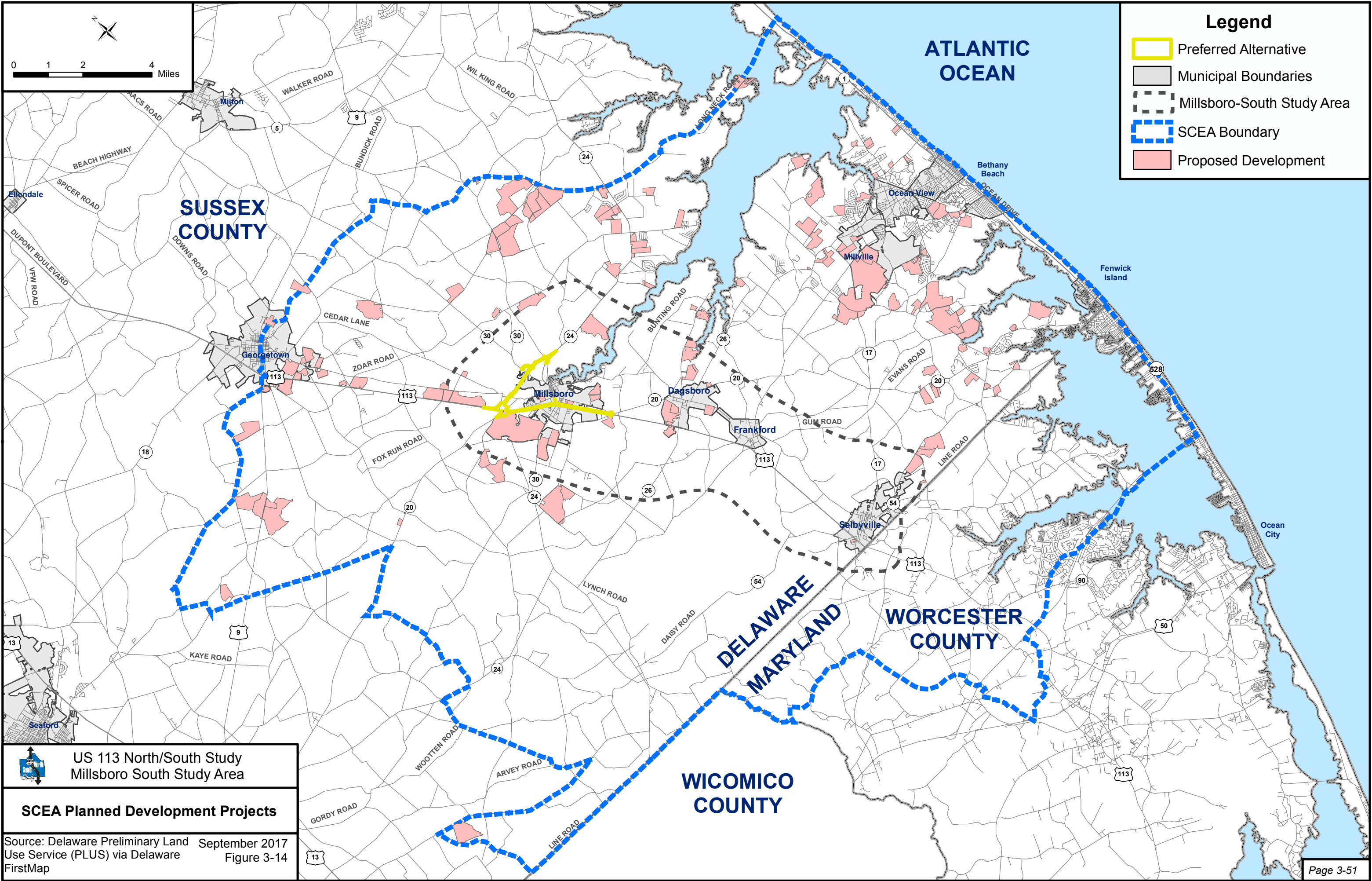
The Preferred Alternative would have few overall secondary and cumulative effects. The new roadway alignment would be less than three miles in length. This would minimize potential SCEA effects to the Town of Millsboro and the surrounding communities. See **Appendix A** for detailed mapping of the Preferred Alternative.

Based on the analysis conducted regarding potential secondary and cumulative effects, the construction of the Preferred Alternative may induce secondary impacts and would add to the cumulative effects of other projects (past and future) on the natural and human environment within the SCEA boundary.

Secondary effects may include changes in the location and timing or rate of planned development within the SCEA boundary. The improved transportation network may result in future zoning change requests for higher density developments in areas not currently zoned for such development. Among the effects of this proposed project, therefore, is the potential for additional development that could occur as a result of the construction of a new roadway.

Potential cumulative effects include incremental additional impacts, added to the effects of other public and private development to: socioeconomic resources; farmland; cultural resources; streams and wetlands; floodplains; water quality and aquatic habitats; rare, threatened, and endangered species; forests; and individual properties. Any additional development beyond that which is already planned, and therefore not reasonably foreseeable, could add to these cumulative impacts and increase impacts to natural and socioeconomic resources within the SCEA boundary.

Various federal and state laws have been enacted to protect the above resources. While some secondary and cumulative effects would occur, these laws should serve to lessen those effects.





## CHAPTER 4 – COMMENTS AND COORDINATION

DelDOT, in cooperation with FHWA, has coordinated extensively with local, state, and federal entities and has engaged in an extensive public involvement effort throughout the study process to provide information and solicit feedback. Agency and public involvement began early with stakeholder interviews, the formation of a Working Group, and a program of public outreach, which included mailings to more than 8,000 addresses, radio announcements, a video, a project website, and public workshops and public hearings. The agency and public feedback received in response to these coordination efforts was used in the development of the purpose and need, alternatives, and environmental analysis and methodologies included in the DEIS, SDEIS, and this FEIS.

The following is a description of the coordination that occurred subsequent to the publication of the DEIS in July 2013.

### 4.1 PUBLIC HEARINGS/WORKSHOPS, MILLSBORO CIVIC CENTER AND SELBYVILLE FIRE HALL – SEPTEMBER 18 AND 19, 2013

In September 2013, DelDOT and FHWA conducted two Public Hearings/Workshops for the US 113 North/South Study: Millsboro-South Area. The first hearing/workshop was held at the Millsboro Civic Center on September 18 and the second was held at the Selbyville Fire Hall on September 19. The purpose of the hearings/workshops was to update the public on activities that had occurred since the May 2010 workshops, review the Alternatives Retained for Detailed Study (ARDS), and obtain comments on the DEIS and the Blue Alternative (DelDOT's Recommended Preferred Alternative at that time). A total of 371 people signed in on September 18 and 221 people signed in on September 19. Sixty-seven public and private testimonies were documented during the two public hearings. A total of 135 comment forms were submitted at the hearings/workshops and during the comment period that extended to October 4, 2013. Additional comments were received online (51 comments), via email (19 comments), letters (25 comments), and voicemail (2 comments). Additionally, two petitions were submitted with a total of 630 signatures. One petition opposed the Preferred Blue Alternative and offered an alternate bypass location approximately 0.25 miles north of the blue route. The other petition opposed the Blue Alternative and was in support of a modified On-Alignment Alternative. DEIS comments and responses are included in the SDEIS.

### 4.2 PUBLIC WORKSHOP, MILLSBORO CIVIC CENTER – OCTOBER 14, 2015

On October 14, 2015, DelDOT held a Public Workshop at the Millsboro Civic Center to update and inform area residents about the path forward for the project. Specifically, DelDOT informed the public that the previous Blue Alternative, an eastern bypass of Millsboro, Dagsboro, and Frankford, was no longer being considered. Instead, DelDOT changed the focus to a Modified





Yellow Alternative, which is identified as the Preferred Alternative in this document and includes widening existing US 113 to include six lanes (three in each direction) through the town of Millsboro; modifying and/or removing several unsignalized crossovers; and providing a two-lane connector road from US 113 to SR 24 that would bypass downtown Millsboro. A total of 327 people attended the meeting and 107 comment forms were submitted at the workshop and during the designated workshop comment period. The comments were generally in support of the SR 24 Connector and/or US 113 widening; however, there were many comments that opposed the SR 24 Connector as shown. Based on these comments, several modifications were made to the design of the SR 24 Connector.

### **4.3 SDEIS PUBLIC HEARING, MILLSBORO CIVIC CENTER – FEBRUARY 7, 2017**

The US 113 North/South Study: Millsboro-South Area SDEIS was published in December 2016. The public was provided the opportunity to give feedback on the SDEIS during the official comment period that extended from December 30, 2016 to February 28, 2017. A Public Hearing was held on February 7, 2017 to inform the public of the SDEIS and provide opportunity for oral and written comments. A total of 372 people attending the Hearing, 70 comment forms were submitted at the Hearing, and nine people provided oral testimony. An additional 17 comments were received via letter, comment form, or email during, or shortly after, the official SDEIS comment period. The feedback received at the Hearing and during the formal comment period is documented in **Appendix B** of this FEIS. Summary responses to these comments are also included in **Appendix B**.

### **4.4 AGENCY COORDINATION**

To facilitate project development, DelDOT and the environmental agencies held multiple coordination meetings. Representatives from FHWA, US Army Corps of Engineers (USACE), US EPA, SHPO, USFWS, DNREC, DDA, and the Delaware Office of State Planning Coordination participated in these meetings. The National Marine Fisheries Service did not participate, but was provided all the project information and data given to other agencies.

DelDOT's project team met with the resource agencies six times between July 2013 and July 2016. Some of the meetings addressed all the US 113 project areas (Millsboro-South, Georgetown, Ellendale, and Milford). However, the following meeting dates focused primarily on the Millsboro-South and Georgetown.

- May 28, 2014
- June 4, 2014
- May 6, 2015
- December 10, 2015
- March 23, 2016
- July 27, 2016
- November 30, 2016
- March 30, 2017

Additionally, a Resource Agency Field View was held with representatives from DelDOT, USACE, and DNREC on May 6, 2015.



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## CHAPTER 8 – LIST OF ACRONYMS

<b>ACHP</b>	Advisory Council on Historic Preservation
<b>ACS</b>	American Community Survey
<b>APE</b>	Area of Potential Effect
<b>AQTR</b>	Air Quality Technical Report
<b>ARDS</b>	Alternatives Retained for Detailed Study
<b>AST</b>	Above-ground Storage Tank
<b>BMP</b>	Best Management Practice
<b>BRS</b>	Biennial Reporting System
<b>CAA</b>	Clean Air Act
<b>Census</b>	United States Census Bureau
<b>CEQ</b>	Council on Environmental Quality
<b>CERCLA</b>	Comprehensive Environmental Recovery and Compensation Liability Act
<b>CERCLIS</b>	Comprehensive Environmental Response, Compensation and Liability Information System
<b>CFR</b>	Code of Federal Regulations
<b>CH<sub>4</sub></b>	Methane
<b>CO</b>	Carbon Monoxide
<b>CO<sub>2</sub></b>	Carbon Dioxide
<b>CZMA</b>	Coastal Zone Management Act
<b>dB(A)</b>	A-weighted Sound Decibel
<b>DDA</b>	Delaware Department of Agriculture
<b>DEIS</b>	Draft Environmental Impact Statement
<b>DelDOT</b>	Delaware Department of Transportation
<b>DNREC</b>	Delaware Department of Natural Resources and Environmental Control
<b>DEIS</b>	Draft Environmental Impact Statement
<b>EA</b>	Environmental Assessment
<b>EIS</b>	Environmental Impact Statement
<b>EJ</b>	Environmental Justice





<b>EPA</b>	Environmental Protection Agency
<b>FEIS</b>	Final Environmental Impact Statement
<b>FHWA</b>	Federal Highway Administration
<b>FONSI</b>	Finding of No Significant Impact
<b>GHG</b>	Greenhouse Gas
<b>HazMAT</b>	Hazardous Materials
<b>HFC</b>	Hydrofluorocarbons
<b>HSCA</b>	Hazardous Substance Cleanup Act
<b>JD</b>	Jurisdictional Determination
<b>L<sub>eq</sub></b>	Equivalent Sound Level
<b>LOD</b>	Limit of Disturbance
<b>LOS</b>	Level of Service
<b>MOA</b>	Memorandum of Agreement
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NAC</b>	Noise Abatement Criteria
<b>NCDB</b>	National Compliance Database
<b>NEPA</b>	National Environmental Policy Act of 1969
<b>NO<sub>x</sub></b>	Nitrous Oxide
<b>NO<sub>2</sub></b>	Nitrous Dioxide
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRHP</b>	National Register of Historic Places
<b>NSA</b>	Noise Sensitive Area
<b>NTR</b>	Noise Technical Report
<b>O<sub>3</sub></b>	Ozone
<b>PLUS</b>	Preliminary Land Use Service



<b>PM</b>	Particulate Matter
<b>PPM</b>	Parts Per Million
<b>RCRA</b>	Resource Conservation and Recovery Act of 1976
<b>ROD</b>	Record of Decision
<b>RTE</b>	Rare, Threatened, and Endangered Species
<b>SCEA</b>	Secondary and Cumulative Effects Analysis
<b>SDEIS</b>	Supplemental Draft Environmental Impact Statement
<b>SHA</b>	State Highway Administration
<b>SHPO</b>	State Historic Preservation Office
<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>SR</b>	State Route
<b>US</b>	United States
<b>USACE</b>	United States Army Corps of Engineers
<b>USFWS</b>	United States Fish and Wildlife Service
<b>UST</b>	Underground Storage Tank
<b>VOC</b>	Volatile Organic Compounds
<b>WOUS</b>	Waters of the United States



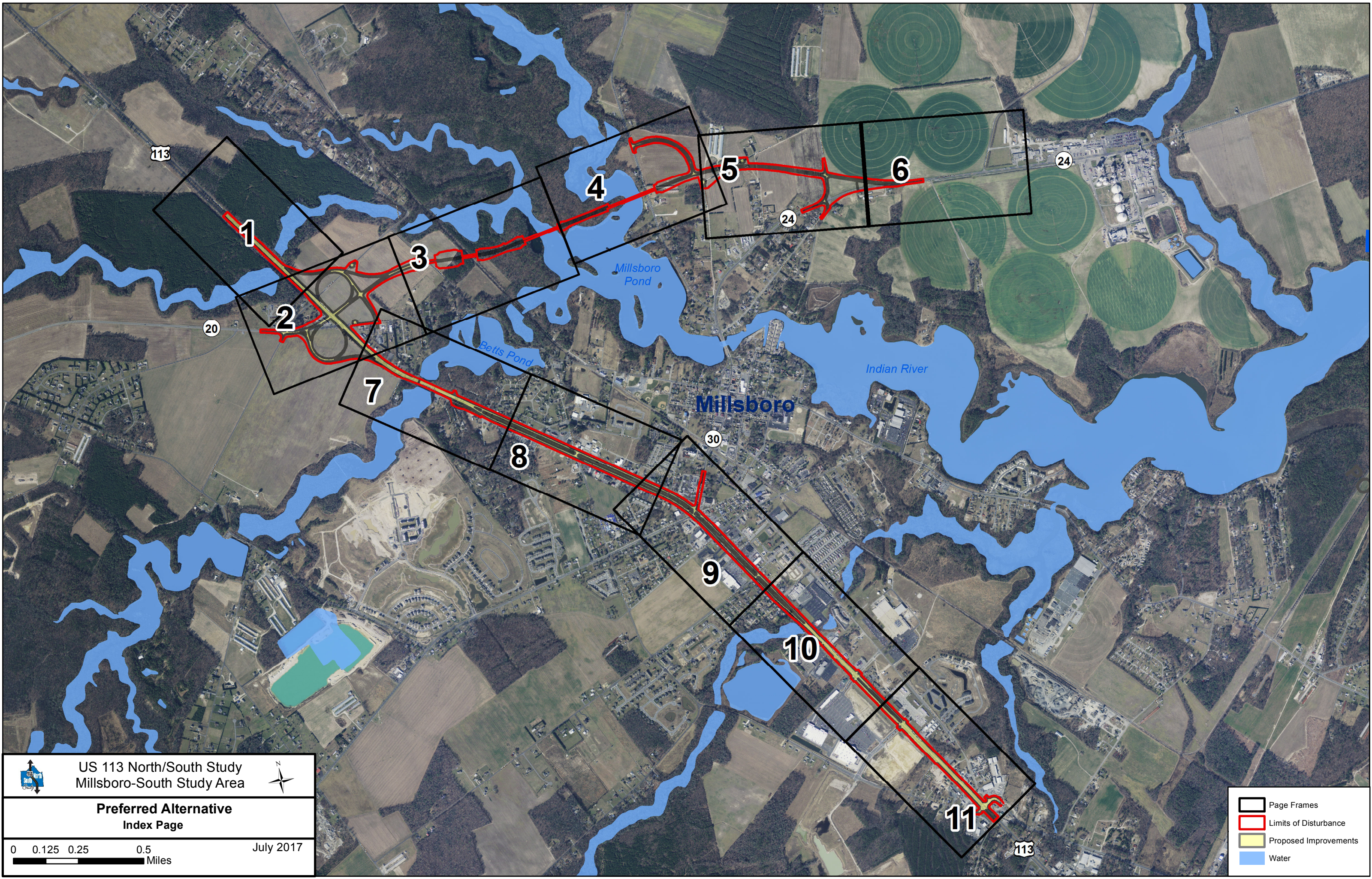
# US 113 North / South Study Millsboro-South Area

## Appendices

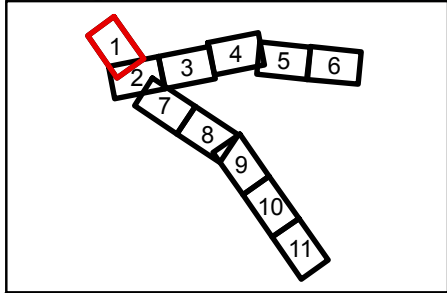
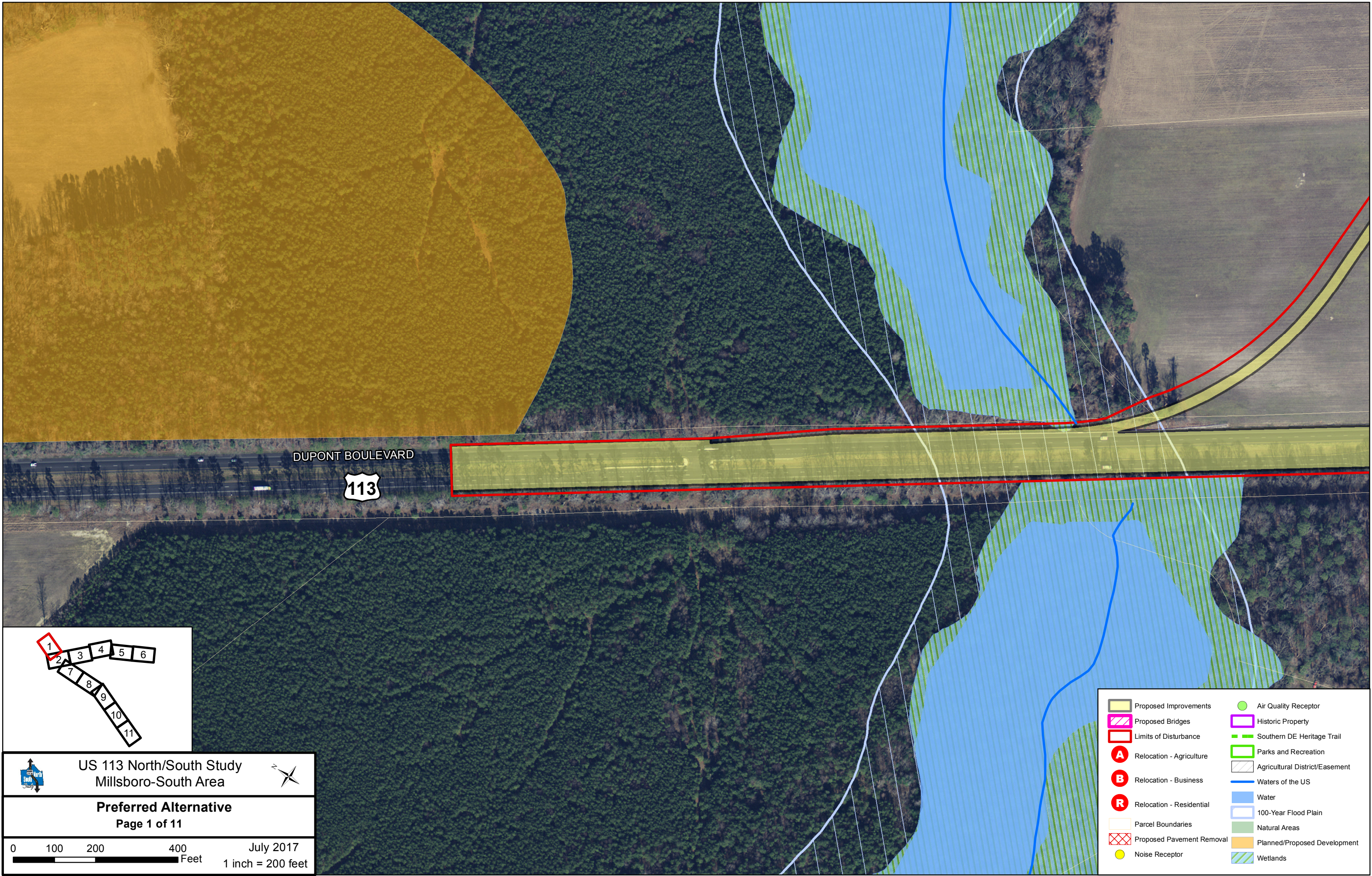


## APPENDIX A: ALIGNMENT SHEETS

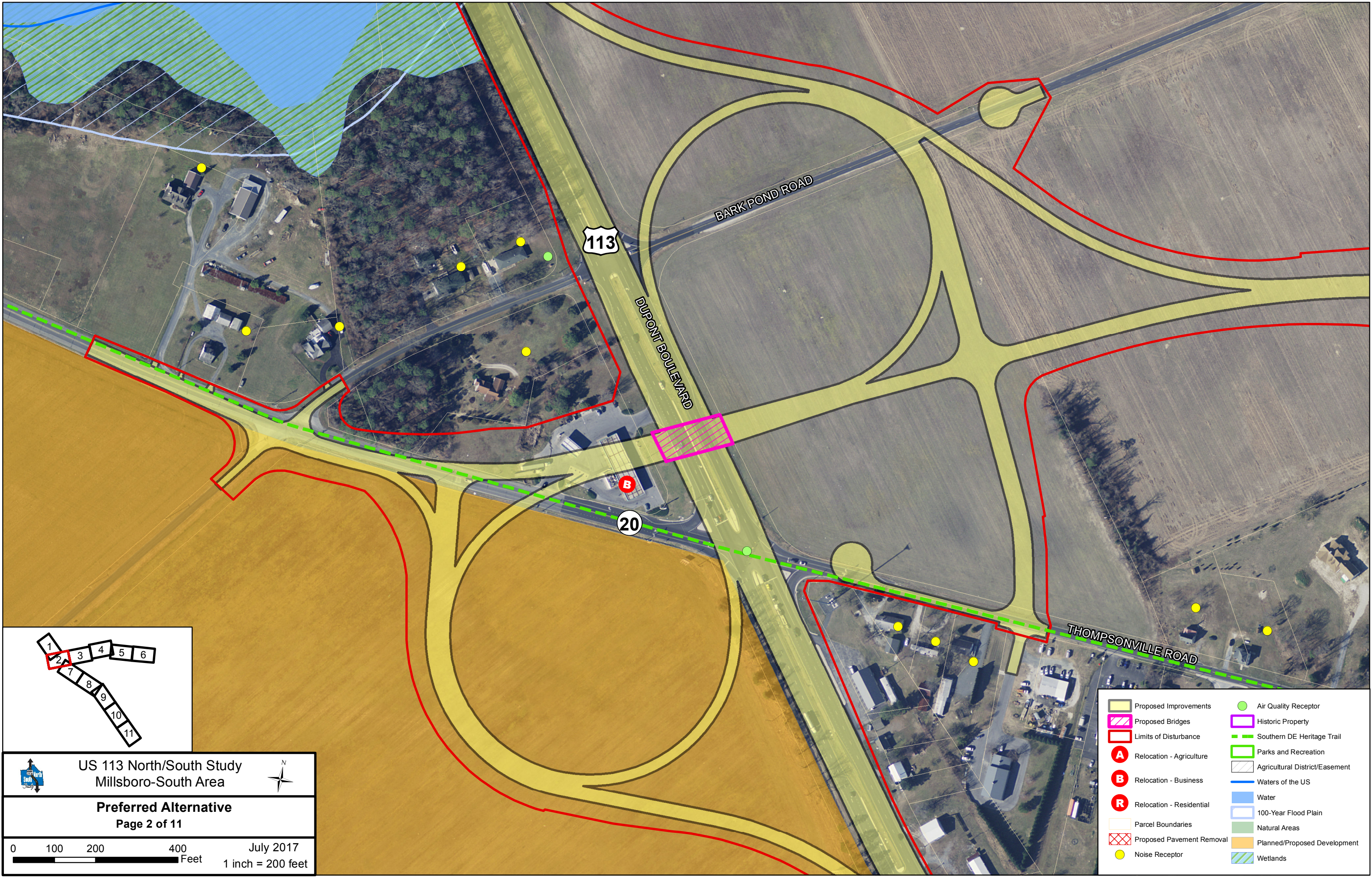




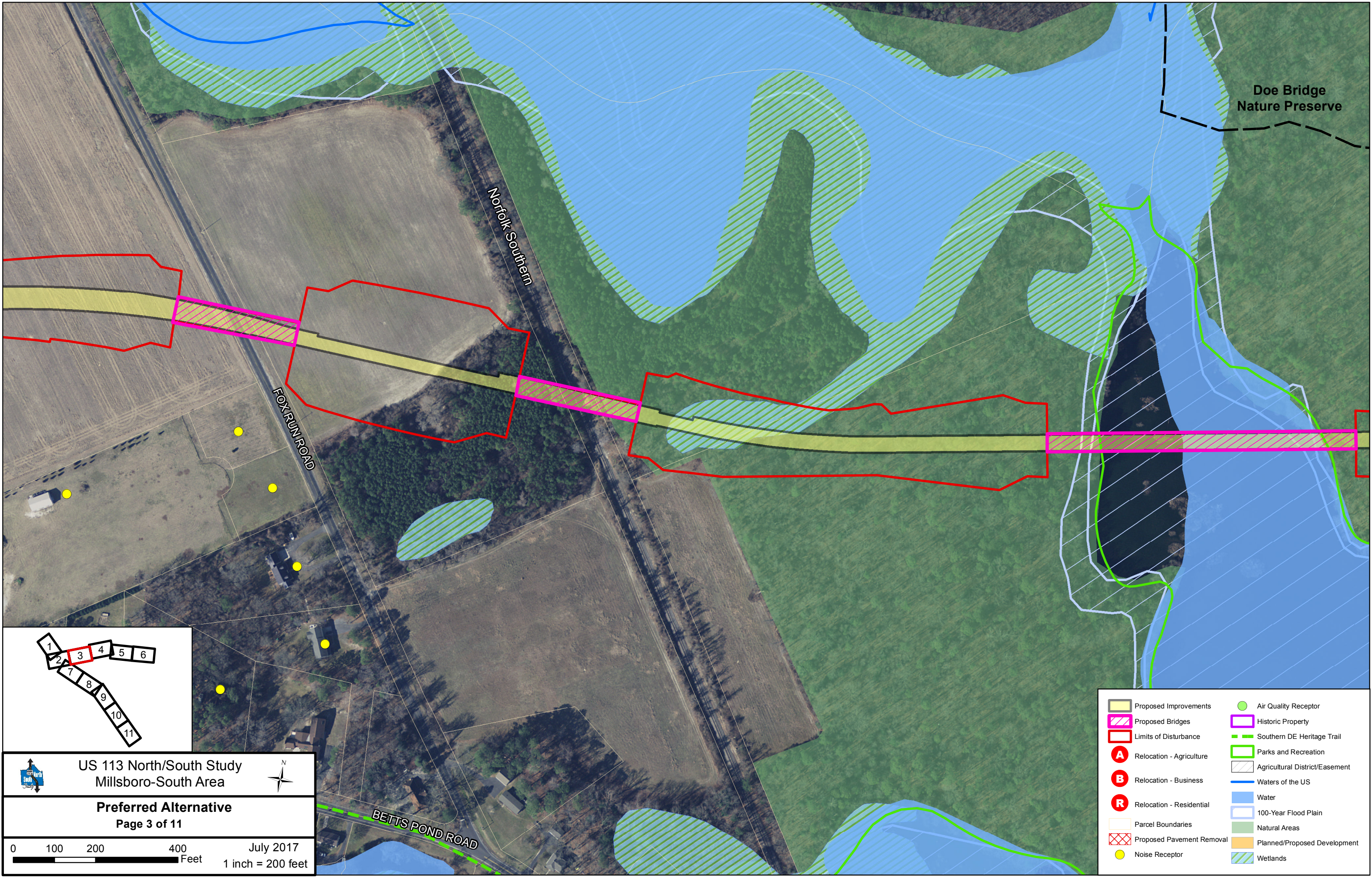










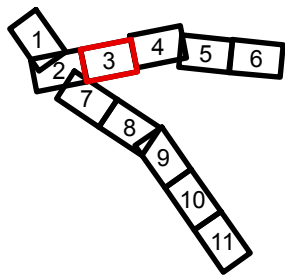


Doe Bridge  
Nature Preserve

Norfolk Southern

FOX RUN ROAD

BETTS POND ROAD



US 113 North/South Study  
Millsboro-South Area



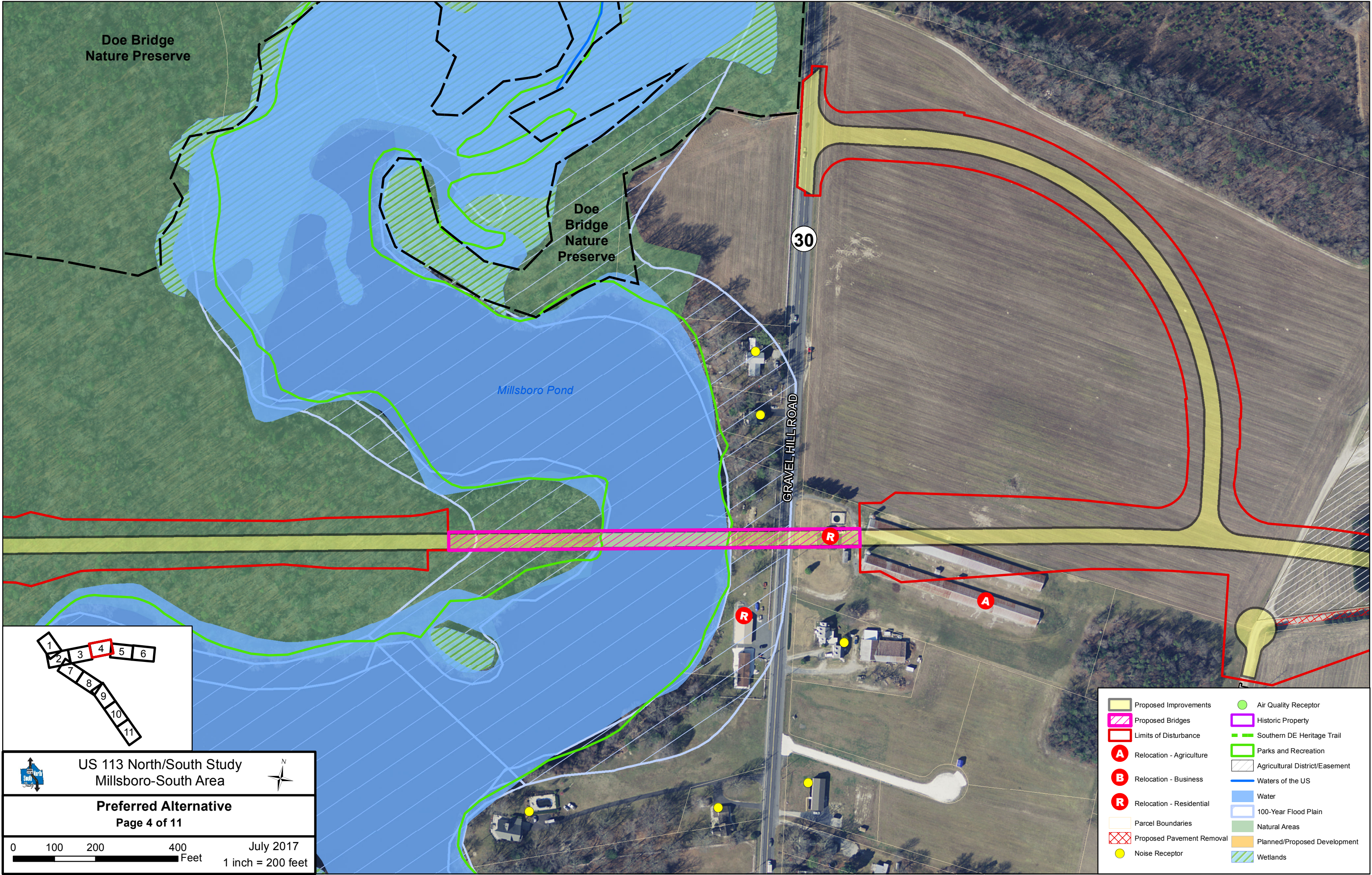
**Preferred Alternative**  
Page 3 of 11

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Feet

July 2017  
1 inch = 200 feet

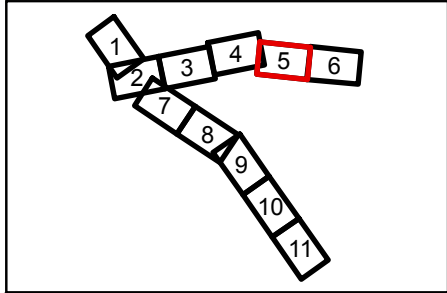
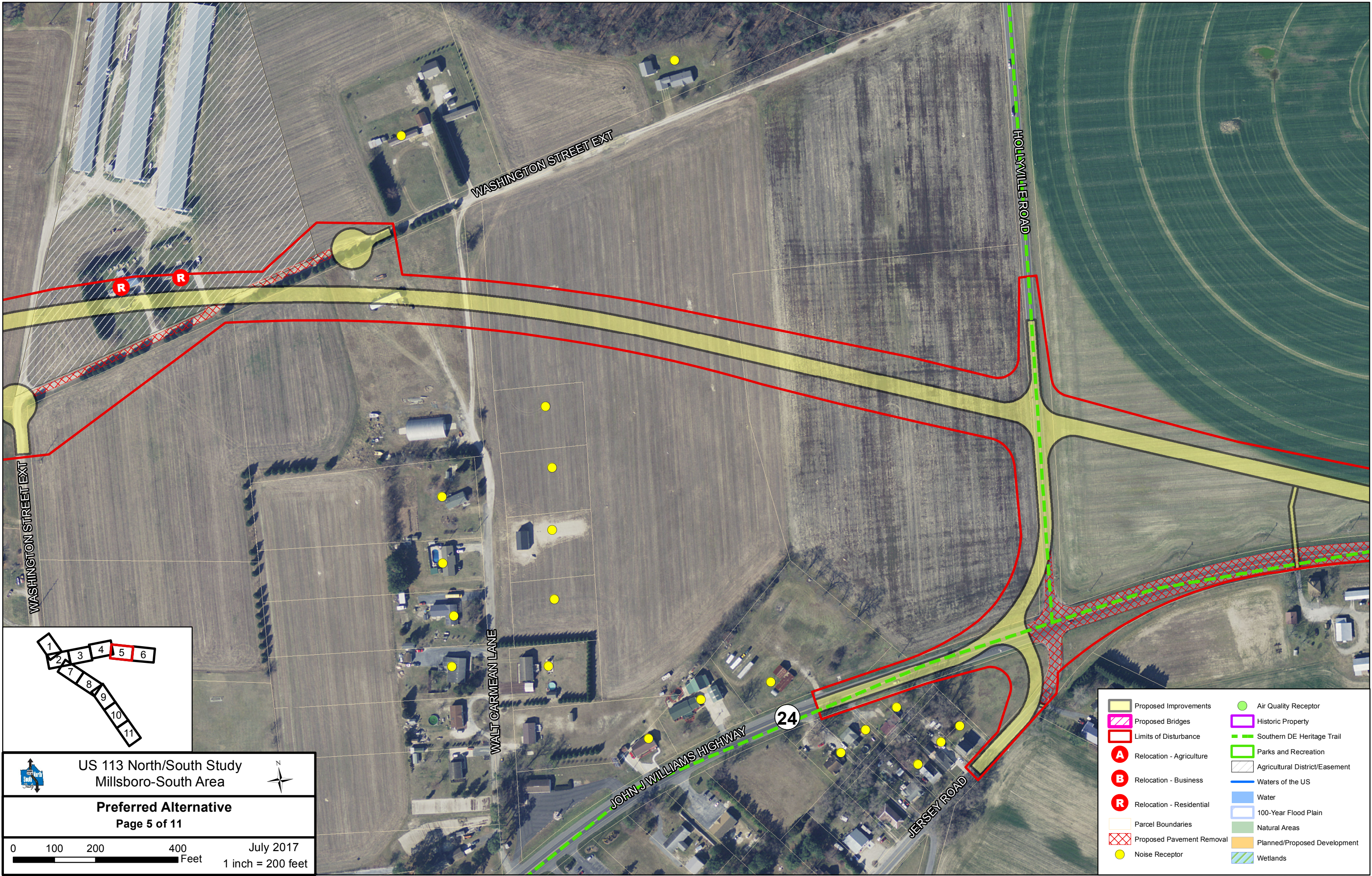
- |                           |                                |
|---------------------------|--------------------------------|
| Proposed Improvements     | Air Quality Receptor           |
| Proposed Bridges          | Historic Property              |
| Limits of Disturbance     | Southern DE Heritage Trail     |
| Relocation - Agriculture  | Parks and Recreation           |
| Relocation - Business     | Agricultural District/Easement |
| Relocation - Residential  | Waters of the US               |
| Parcel Boundaries         | Water                          |
| Proposed Pavement Removal | 100-Year Flood Plain           |
| Noise Receptor            | Natural Areas                  |
|                           | Planned/Proposed Development   |
|                           | Wetlands                       |






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|---------------------------|--------------------------------|
| Proposed Improvements     | Air Quality Receptor           |
| Proposed Bridges          | Historic Property              |
| Limits of Disturbance     | Southern DE Heritage Trail     |
| Relocation - Agriculture  | Parks and Recreation           |
| Relocation - Business     | Agricultural District/Easement |
| Relocation - Residential  | Waters of the US               |
| Parcel Boundaries         | Water                          |
| Proposed Pavement Removal | 100-Year Flood Plain           |
| Noise Receptor            | Natural Areas                  |
|                           | Planned/Proposed Development   |
|                           | Wetlands                       |








US 113 North/South Study  
Millsboro-South Area

**Preferred Alternative**  
Page 5 of 11

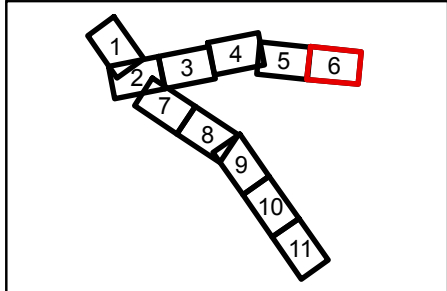


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July 2017  
1 inch = 200 feet

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| Proposed Improvements     | Air Quality Receptor           |
| Proposed Bridges          | Historic Property              |
| Limits of Disturbance     | Southern DE Heritage Trail     |
| Relocation - Agriculture  | Parks and Recreation           |
| Relocation - Business     | Agricultural District/Easement |
| Relocation - Residential  | Waters of the US               |
| Parcel Boundaries         | Water                          |
| Proposed Pavement Removal | 100-Year Flood Plain           |
| Noise Receptor            | Natural Areas                  |
|                           | Planned/Proposed Development   |
|                           | Wetlands                       |





US 113 North/South Study  
Millsboro-South Area

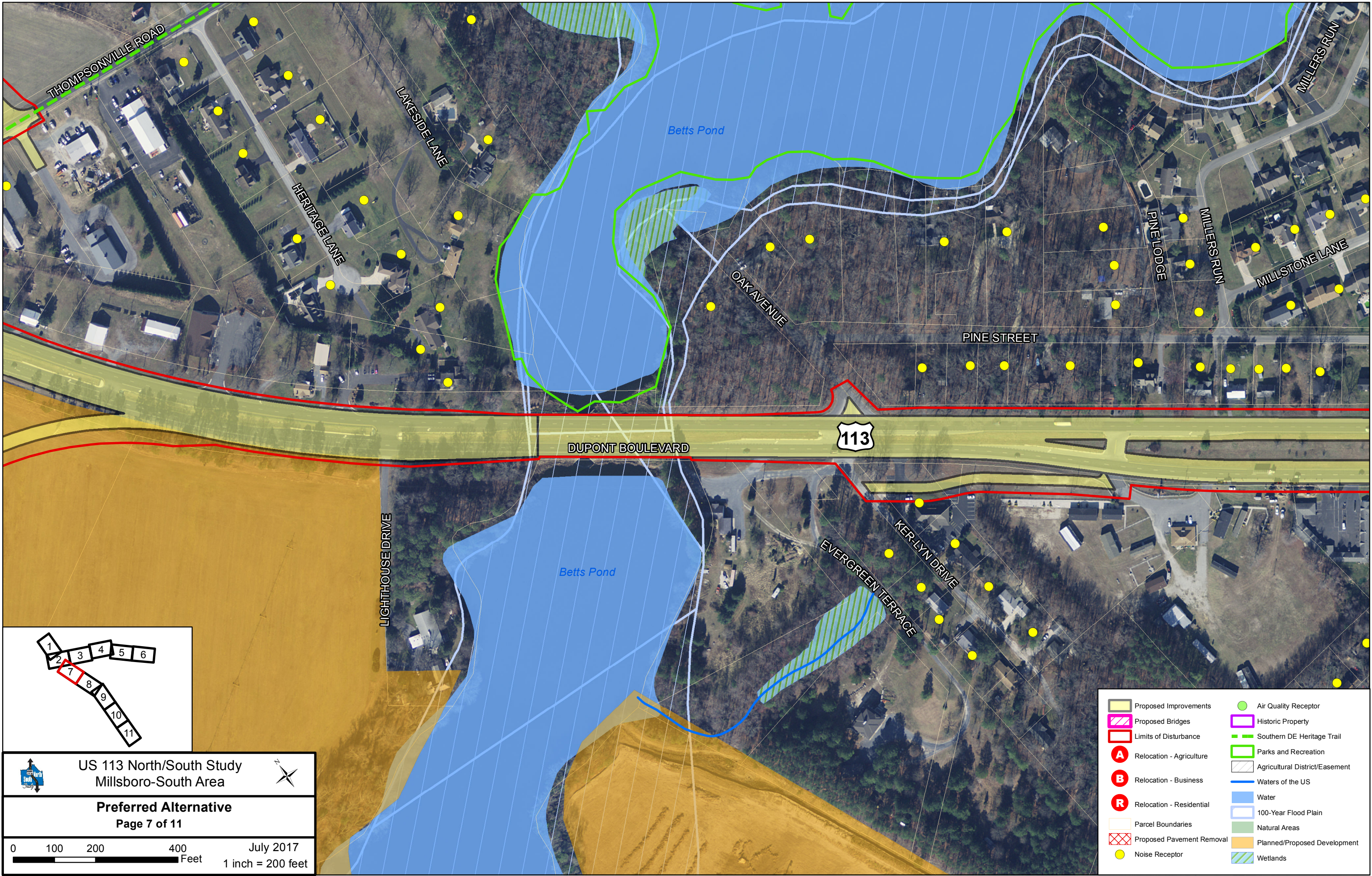
**Preferred Alternative**  
Page 6 of 11

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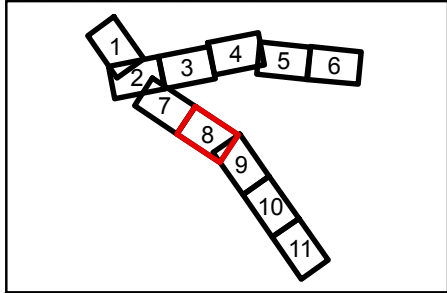
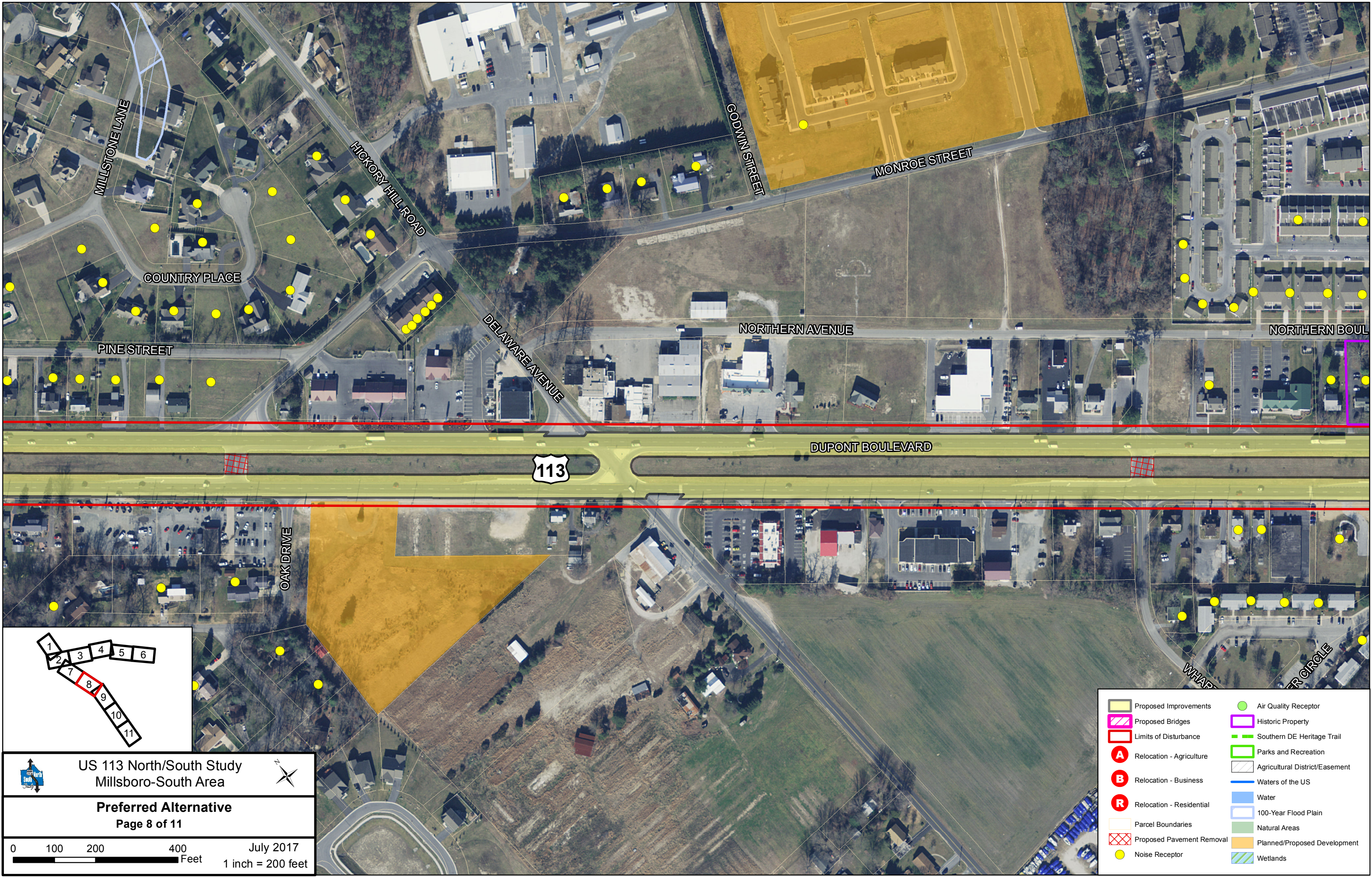
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1 inch = 200 feet

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|---------------------------|--------------------------------|
| Proposed Improvements     | Air Quality Receptor           |
| Proposed Bridges          | Historic Property              |
| Limits of Disturbance     | Southern DE Heritage Trail     |
| Relocation - Agriculture  | Parks and Recreation           |
| Relocation - Business     | Agricultural District/Easement |
| Relocation - Residential  | Waters of the US               |
| Parcel Boundaries         | Water                          |
| Proposed Pavement Removal | 100-Year Flood Plain           |
| Noise Receptor            | Natural Areas                  |
|                           | Planned/Proposed Development   |
|                           | Wetlands                       |



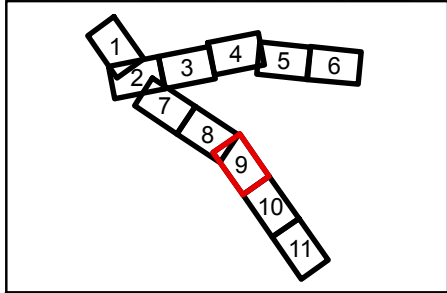
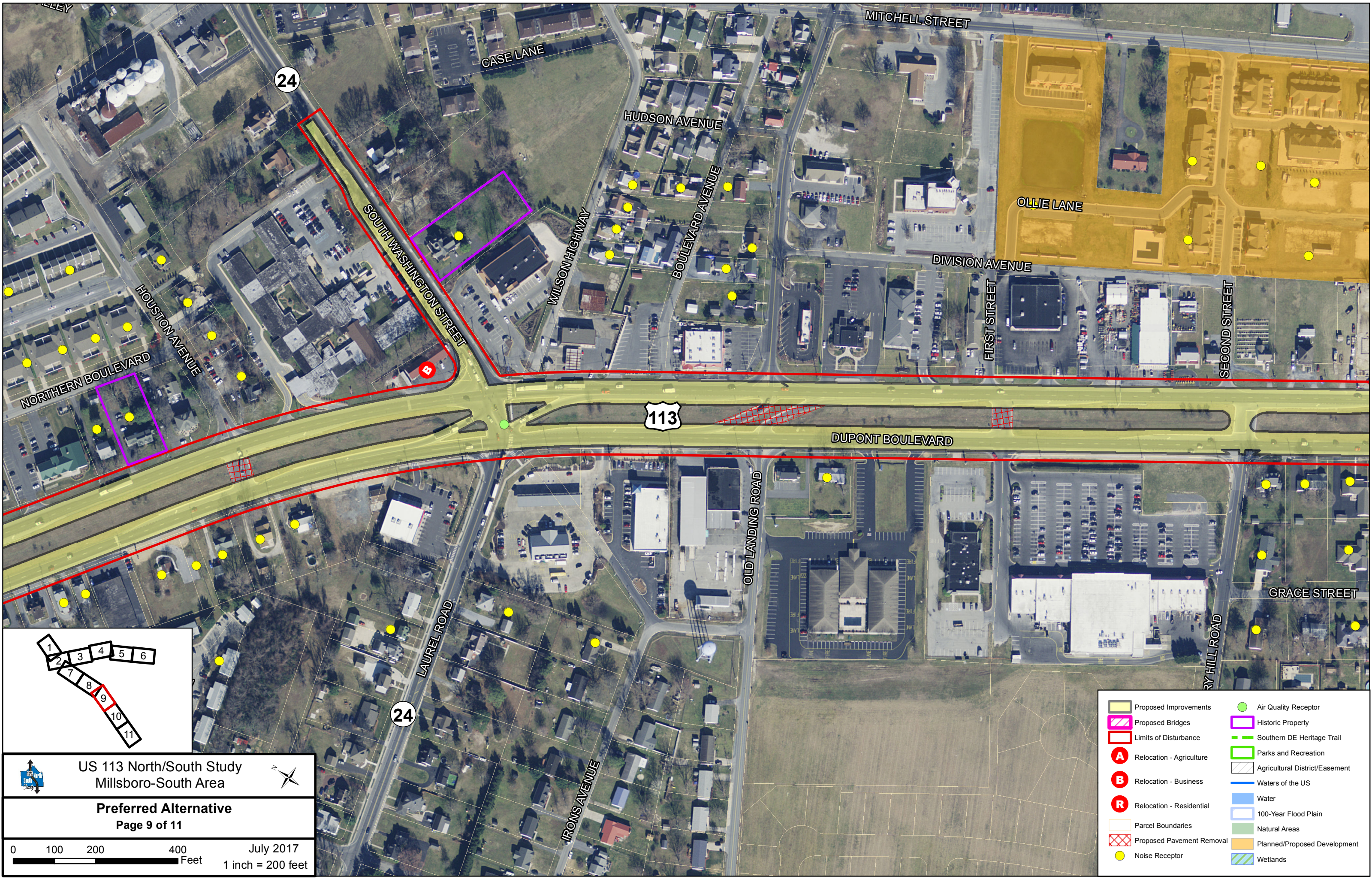






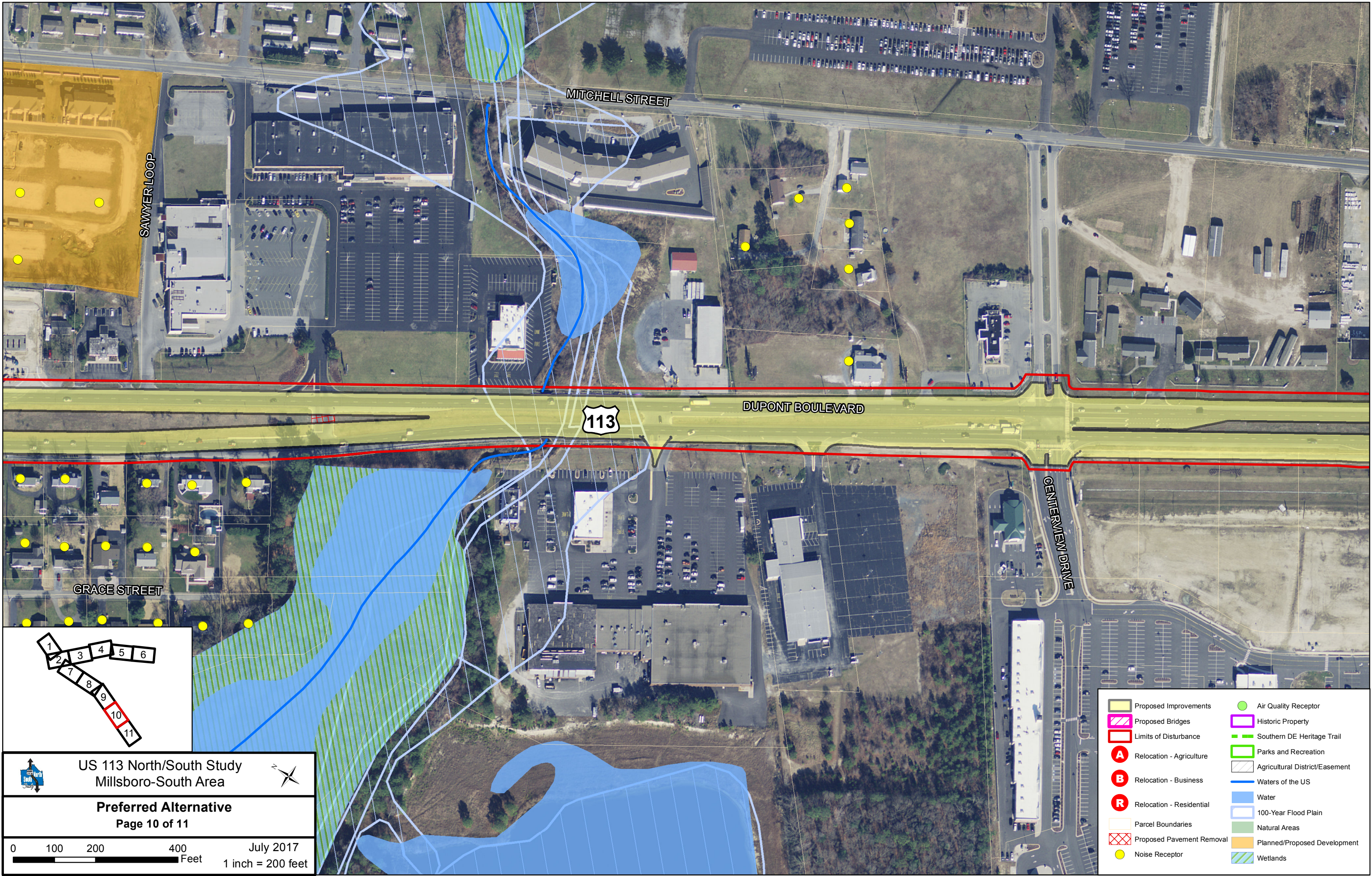
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| Proposed Improvements     | Air Quality Receptor           |
| Proposed Bridges          | Historic Property              |
| Limits of Disturbance     | Southern DE Heritage Trail     |
| Relocation - Agriculture  | Parks and Recreation           |
| Relocation - Business     | Agricultural District/Easement |
| Relocation - Residential  | Waters of the US               |
| Parcel Boundaries         | Water                          |
| Proposed Pavement Removal | 100-Year Flood Plain           |
| Noise Receptor            | Natural Areas                  |
|                           | Planned/Proposed Development   |
|                           | Wetlands                       |





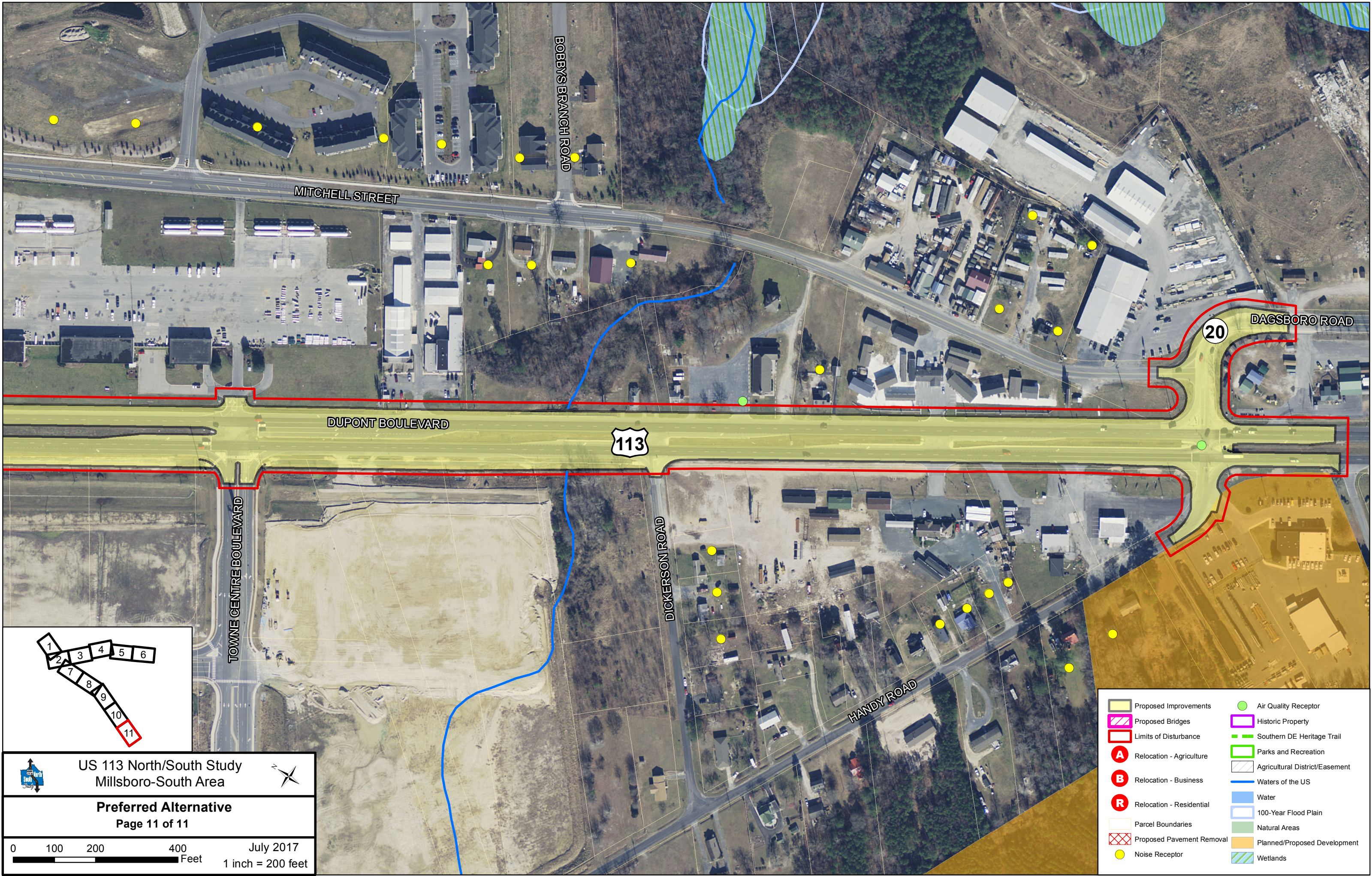
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|  Proposed Improvements     |  Air Quality Receptor           |
|  Proposed Bridges          |  Historic Property              |
|  Limits of Disturbance     |  Southern DE Heritage Trail     |
|  Relocation - Agriculture  |  Parks and Recreation           |
|  Relocation - Business     |  Agricultural District/Easement |
|  Relocation - Residential  |  Waters of the US               |
|  Parcel Boundaries         |  Water                          |
|  Proposed Pavement Removal |  100-Year Flood Plain           |
|  Noise Receptor            |  Natural Areas                  |
|   |  Planned/Proposed Development   |
|   |  Wetlands                       |





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|---------------------------|--------------------------------|
| Proposed Improvements     | Air Quality Receptor           |
| Proposed Bridges          | Historic Property              |
| Limits of Disturbance     | Southern DE Heritage Trail     |
| Relocation - Agriculture  | Parks and Recreation           |
| Relocation - Business     | Agricultural District/Easement |
| Relocation - Residential  | Waters of the US               |
| Parcel Boundaries         | Water                          |
| Proposed Pavement Removal | 100-Year Flood Plain           |
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| Proposed Pavement Removal | 100-Year Flood Plain           |
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|                           | Planned/Proposed Development   |
|                           | Wetlands                       |





## **APPENDIX B: SUMMARY OF SDEIS COMMENTS AND RESPONSES**





## SUMMARY OF SDEIS COMMENTS AND RESPONSES

The US 113 North/South Millsboro-South Area Supplemental Draft Environmental Impact Statement (SDEIS) was published in December 2016. The public was provided the opportunity to give feedback on the SDEIS during the official comment period from December 30, 2016 to February 28, 2017. A Public Hearing was held on February 7, 2017 to inform the public of the SDEIS and provide opportunity for oral and written comments. A total of 372 people attending the Hearing. Seventy comment forms were submitted at the Hearing, and nine people provided oral testimony. An additional 17 comments were received via letter, comment form, or email during, or shortly after, the official SDEIS comment period. The feedback received at the Hearing and during the formal comment period is summarized below and detailed in the matrix following this summary.

To provide adequate responses to the extensive comments received, DelDOT, in collaboration with its federal partners, categorized all of the comments received into common themes. Representative responses have been developed for the topical themes listed below. As necessary, additional responses for more specific comments were developed and are included under the appropriate theme.

### **A. Purpose and Need**

- A.1. Safety and Evacuation
- A.2. Traffic

### **B. Alternatives**

- B.1. In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements
- B.2. Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector
- B.3. Suggestions of Other Alternatives or Modifications to Alternative
- B.4. Project Phasing
- B.5. Design Questions
- B.6. Suggestions Outside Scope of Study
- B.7. Funding

### **C. Environmental and Social Concerns**

- C.1. Property Taking, Property Values, or Access Modification
- C.2. Land Use/Livability
- C.3. Community Facilities (Schools, Emergency Response, Parks, Public Access to Water Crossings)
- C.4. Aesthetics
- C.5. Business Impacts
- C.6. Noise
- C.7. Hazardous Materials
- C.8. Water Resources (Water Quality, Ponds, Wetlands, Streams, and Floodplains)
- C.9. Vegetation and Wildlife, and Rare, Threatened, and Endangered Species
- C.10. Climate Change
- C.11. Construction Impacts



The entirety of each comment received as well as how each comment was categorized is included in **Attachment 1**.

## **A. Purpose and Need**

### **A.1. Safety and Evacuation**

**Summary of Comments:** Fifteen comments were received related to safety or evacuation. Many comments noted the existing safety issues along US 113. Several expressed concern about the effect of improvements to US 113 such as additional lanes and crossover closures and the potential for accidents. Commenters also voiced general concern with evacuation routes through the area. Below is a brief overview of comments received.

- I feel for the safety of traffic the by-pass should end past the Mt Air plant.
- We feel that having 6 lanes running through Millsboro and changing back to 2 lanes at the road to Dagsboro would not solve any problems, but would in fact create a terrible bottleneck at that point. Tourists would tend to do a lot of lane switching once on the 3-lane section trying to get ahead of the cars beside them. Then they basically come to a standstill when the bottleneck appears – very possibly more accidents!
- As for the 3 lanes through Millsboro – I disagree – as a business owner my customers rely on some of the crossover turns to get to my shop. Making them go to a light at a very large intersection would really complicate things. It will also be very dangerous for local people.
- The intersection at 113 and Rt. 20 is still a hazardous/dangerous intersection.
- Rerouting truck traffic north and east of Millsboro will provide safety (Rt. 30 and Rt. 24 intersection VERY dangerous for trucks) and ease traffic flow through and around Millsboro
- The study included a traffic crash analysis, it may be helpful if the DOT can provide more detailed analysis to better determine the predominant cause of the crashes[...]
- I do NOT agree with widening 113 as it will reduce the chances people will have to cross the highway and I can only imagine that having the third lane for only a short stretch is going to increase the traffic at stop lights and increase the number of fender benders and sideswipes where the third lane will end and merge back to two.
- But if you take a lot of local Delawareans that's been here a long time, they had to get used to the dual highway, from single to dual, I think that you are putting them in a place where it's an accident ready to happen.
- I can't imagine what is going to happen when a storm comes and everybody is blocked in with flooded areas in their community. Where are they going to go? How are they going to get out?

**Response:** Safety is included in the purpose and need for the project as discussed in **Section 1.3.2**. Crash data were analyzed along US 113 and SR 24 within the study area to determine crash rates and identify trends.

Reviewing the characteristics and patterns of highway crashes is an important step in identifying existing safety issues that can be corrected with geometric changes to highway and/or traffic engineering improvements. Angle crashes typically occur with the greatest frequency at





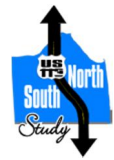
unsignalized intersections, median crossovers, and driveways. Rear-end crashes are most common on the approaches to signalized intersections. The prevalence of both of these crash types in the study area corresponds to the number and frequency of these types of existing access points along the US 113 corridor. Anticipated growth in the study area is likely to create greater pressure to increase the number of access points and traffic signals along US 113. These trends indicate that safety on US 113 is likely to deteriorate in the absence of roadway improvements. By removing several crossovers on US 113, providing additional turn lanes, and improving congestion by adding capacity, the Preferred Alternative is expected to improve overall safety conditions in the study area. More detail on the analysis of crash data is included in **Section 1.3.2.1**.

As discussed in **Section 1.3.2.3**, evacuation is a component of the project's purpose and need. In the event of an emergency, US 113 is designated as a primary north-south evacuation route from Kent County in the north to the Maryland border in the south, while SR 24 is one of the primary east-west evacuation routes. As the population of the area continues to increase, there will be higher volumes of people using designated evacuation routes. The proposed improvements along US 113 and SR 24 in the Millsboro-South Area would provide additional traffic capacity, leading to safer and more efficient evacuations during emergencies.

## A.2. Traffic

**Summary of Comments:** Thirty-four comments expressed concern about existing and future traffic issues. The following is a sample of the comments:

- As you know, the most immediate need is to address the traffic situation along SR 24 from Kendall Street (West/South of US 113) east to the location near Mountaire.
- Those seeking avoidance of the 24 and 113 intersection and congestion will be relieved as long as they are east of 113. Their access to 113 will divert them. Congestion on the old Route 24 East will continue of course.
- I still believe the light on the bypass and Hollyville Road will back up traffic further east of the bypass. The traffic from east to west on 24 is backed up from Millsboro past the poultry plant. This light will back the traffic up further.
- I've lived here for thirty years and have seen the Town of Millsboro go from almost no traffic to the mess that we have today. I agree that improvement is long overdue, but relieving the traffic coming south on 113 will help but from what I've seen that is at most only 20% of the traffic through town and does not address the north-south congestion.
- Based on our experience as Millsboro residents for 6 years, we believe this plan will help with traffic through town and our hope is that it will lessen truck traffic on Gravel Hill Road which has increased dramatically in our time here.
- The proposed east route to Rt. 24 is a relief route for Millsboro, why take all the east bound traffic thru this route and outlet them into a 40-mph industrial zone through the Mountaire chicken plant. This to me spells more congestion in this area of Rt. 24.
- I am in favor of anything that gets some traffic off of ANY portion of 24.
- I do not believe the plan to put in a traffic light at Hollyville Road will improve the traffic, and may even make it worse, since those heading into Millsboro will have to make a left turn and wait for the light to get into town.



- It is anticipated that the preferred alternative presented at the Feb. 7, 2017 Millsboro-South Area Public Hearing will greatly reduce access to The Oaks.
- The study did not look at the current or projected level of service LOS into the year 2040 on route 24 east of the town of Millsboro. It would be helpful to estimate/project when this route may become the limiting factor which may negate the benefit of the bypass.

**Response:** The proposed improvements along US 113 in the Millsboro-South Area would establish additional traffic capacity by providing an additional lane in each direction along US 113 for approximately 2.8 miles (between SR 20 and Betts Pond Road), providing additional turn lanes, and removing six unsignalized crossovers. The new SR 24 Connector would provide increased accessibility and mobility by providing an additional connection to existing SR 24 and points east, thus reducing traffic on SR 24 within the Town of Millsboro and providing a more direct east-west route north of town.

The proposed improvements would alleviate traffic along US 113 by providing additional traffic lanes and providing an additional route for through-traffic other than downtown Millsboro along the proposed SR 24 Connector. This would improve conditions at traffic signals along US 113 and prevent further degradation of level of service (LOS) at intersections along the corridor through Millsboro. Traffic signal timing along US 113 may be reevaluated by DelDOT during final design or after the construction of the Preferred Alternative.

In 2014, updated summer Saturday turning movement traffic counts were conducted at 26 locations within the Millsboro-South Area, including all signalized intersections and 17 unsignalized intersections along US 113 and SR 24. The traffic analysis included all the signalized intersections along SR 24 and US 113 within the limits of the proposed build alternative. This includes the six signalized intersections along US 113, two intersections at SR 24 and State Street in Millsboro, and the proposed signal at SR 24 and Hollyville Road/Jersey Road. Three intersections, including the intersection of US 113 and SR 24, currently operate at an unacceptable LOS. Under the 2040 No-build Alternative, six of the nine signalized intersections experience a degradation in LOS, resulting in one additional intersection (for a total of four intersections) operating at an unacceptable LOS. Field observations and peak hour traffic counts were conducted at the entrance to the Mountaire plant to review the potential need for a traffic signal, and the traffic analysis considered the number of lanes needed along the SR 24 Connector. For the Preferred Alternative, the travel forecast model predicts that the combination of the two-lane SR 24 Connector and the widening of US 113 will provide acceptable LOS at all the evaluated intersections. More detail is included in **Section 1.3.1**.

The Millsboro-South Area is an important link within the overall US 113 corridor that, if deficiencies were addressed, would establish system compatibility and continuity and permit US 113 to more effectively serve future transportation needs. While the on-alignment improvements to US 113 no longer include the provision of limited access, the proposed improvements would increase the compatibility of the Millsboro-South Area with the connecting sections of US 113 north and south of the study area.





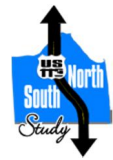
Access to the Oaks community will be via a right-in, right-out movement. The study aims to improve safety on US 113 by removing crossovers, and only major road crossings would be signalized to maintain the flow of traffic. The new interchange on US 113 at the SR 24 Connector would be grade separated, so westbound traffic would not stop, it would pass over via a bridge. A longer merge lane in the shoulder may be considered as a potential modification to the Preferred Alternative during final design. Traffic studies for the project indicate that overall traffic conditions on US 113 would improve as a result of the Preferred Alternative.

## **B. Alternatives**

### **B.1. In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements**

**Summary of Comments:** Thirty-three comments expressed support for the Preferred Alternative or some component thereof. Of these comments, 23 comments expressed general support for the Preferred Alternative; nine comments expressed support specifically for the SR 24 Connector; and one comment expressed support specifically for the US 113 improvements. Some comments were supportive while suggesting modifications and many comments were supportive of the SR 24 Connector but were opposed to the US 113 improvements. Following is a sample of the comments generally in favor of the Preferred Alternative, the SR 24 Connector, and/or the US 113 improvements:

- I just want to publicly go on record that I am supportive of this. Granted, the devil is in the details. I have listened to several tonight. There are some, I think, some adjustments. But, by and large, I think this community – I have listened to you folks from the town as well – they are excited about this, by and large, because of that traffic.
- Looks great! I think it is well thought out and will have the least impact on land owners. Please, please, start as soon as possible.
- I think that the 113 to 24 Bypass is an excellent idea to reduce traffic going thru Millsboro proper. PS. Please start this project soon!
- This proposal is much more sensible and less impactful to existing properties than the originals. Based on our experience as Millsboro residents for 6 years, we believe this plan will help with traffic through town and our hope is that it will lessen truck traffic on Gravel Hill Road which has increased dramatically in our time here.
- Design and build ONLY Rt. 24/Downtown bypass at this time.
- The bypass that goes around and bypasses the downtown area -- I will call that the Route 24 bypass -- I think it's needed very much so. It's needed tomorrow. It's needed today.
- Build the SR 24 Connector and make the below-mentioned improvements to the US 113/SR 24 intersection *first* (exclusively if possible).
- I hope you will consider moving forward with the bypass to help eliminate some of the traffic through town.
- I am in favor of anything that gets some traffic off of ANY portion of 24. I think a bypass that gives people an option to get from 24 to 113 without going through downtown Millsboro is fantastic.



- I applaud the shift from the ill conceived “Blue Route” to making improvements on the current Route 113 corridor to accommodate traffic and safety issues. This on-alignment approach is in agreement with the “Georgetown North” study and will provide continuity for the entire corridor.

**Response:** The comments showing support for all or a portion of the SDEIS Preferred Alternative are noted. The SDEIS Preferred Alternative was developed based upon the comments received during the Public Hearings/Workshops in September 2013 and the associated comment period.

The Preferred Alternative for the Millsboro-South Area has been identified as the retained alternative that will best meet the project Purpose and Need. The Preferred Alternative satisfies requirements for the National Environmental Policy Act (NEPA) and is consistent with FHWA policies for implementing NEPA. The Preferred Alternative will accommodate growing traffic demand in the study area. Future land development and economic growth in Sussex County and its municipalities, the increased use of the resort area in southeastern Sussex County (both in the summer and throughout the year), and the projected increase in regional traffic traveling through the Delmarva Peninsula all contribute to the need to increase accessibility and mobility in the study area.

The Preferred Alternative provides an additional lane in each direction along US 113 within Millsboro for approximately 2.8 miles (between SR 20 and Betts Pond Road), increasing traffic capacity and improving traffic flow. The new SR 24 Connector will provide increased accessibility and mobility by providing an additional connection to existing SR 24 and points east, thus reducing traffic on SR 24 within the Town of Millsboro and providing a more direct east-west route north of town. Additionally, the Preferred Alternative will remove several crossovers on US 113, provide additional turn lanes, and improve congestion by adding capacity. These modifications are expected to improve safety conditions in the study area.

## **B.2. Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector**

**Summary of Comments:** Seventeen comments expressed opposition to the project, the US 113 improvements, or the SR 24 Connector. Of these, two comments expressed general opposition to the project and/or support for the No-build Alternative; 14 comments expressed opposition specifically to the US 113 improvements; and one comment expressed opposition specifically to the SR 24 Connector. Below is a sample of the comments:

- The three lanes on 113 makes no sense. It will hurt Millsboro residents to get around Millsboro, taking the crossovers out will be a big mistake.
- When it comes to the Route 113 changes, my gracious, I can't see Millsboro with a six-lane highway going down the middle of it and dividing little old Millsboro. Are we going to call it Millsboro East, Millsboro West? Which side -- which town do you live in? You know. Six lanes is not the solution to this problem. Let's find another solution to the north/south.
- As for the 3 lanes through Millsboro – I disagree – as a business owner my customers rely on some of the crossover turns to get to my shop.
- As per map my option is not to do bypass, because of its effect on businesses in Millsboro





Town.

- Please do not make a 6-lane highway and make traffic worse. That is of no benefit to the residents of Millsboro.
- I do NOT agree with widening 113 as it will reduce the chances people will have to cross the highway and I can only imagine that having the third lane for only a short stretch is going to increase the traffic at stop lights and increase the number of fender benders and sideswipes where the third lane will end and merge back to two.
- As far as a three lanes through Millsboro, I think you are just going to put a high-speed access through the middle of town with three lanes. I'm against the three lanes. The closings at Monroe, Houston, and Wharton offer no benefit, but they limit all the access and push it towards the light at 24, which is overwhelmed at this point in time.
- I am in favor of the No-build Alternative/Oppose Project. In my opinion after reading the SDEIS, in solving the traffic and congestion problem for SR 24 and US 113 roadways, it was based on a bias study and research needs to have a blind or placebo to compare both traffic times and seasons, during summer peak hours and non-summer peak hours and publish these for stakeholders to have both sides of the research for truth and accuracy.

**Response:** The need for the US 113 North/South Study is a result of expected future land development and economic growth in Sussex County and its municipalities, the increased use of the resort area in southeastern Sussex County (both in the summer and year round), and the projected increase in regional traffic traveling through the Delmarva Peninsula over the next 25 years. As described in **Chapter 2**, the No-build Alternative was not selected as the Preferred Alternative as it will not meet the Purpose and Need for the project because it does not accommodate growing traffic demand, increase safety, preserve a transportation corridor, consider modal interrelationships, or maintain consistency with state and local plans for transportation systems.

Anticipated growth in the study area is likely to create greater pressure to increase the number of access points and traffic signals along US 113. These trends indicate that safety on US 113 is likely to deteriorate in the absence of roadway improvements.

The Preferred Alternative for the Millsboro-South Area has been identified as the retained alternative that will best meet the project Purpose and Need. The Preferred Alternative provides an additional lane in each direction to increase traffic capacity and improve traffic flow. Additionally, the Preferred Alternative will remove several crossovers on US 113, provide additional turn lanes, and improve congestion by adding capacity. These modifications are expected to improve safety conditions in the study area.

The new SR 24 Connector will provide increased accessibility and mobility by providing an additional connection to existing SR 24 and points east, thus reducing traffic on SR 24 within the Town of Millsboro and providing a more direct east-west route north of town.

Many comments suggested that the US 113 improvements are not necessary, and that only the SR 24 Connector portion of the Preferred Alternative should be built. However, DelDOT has determined that the Purpose and Need of the study to improve north/south traffic flow along the US 113 could not be met with only the SR 24 Connector, absent of any changes to US 113.



However, the SR 24 Connector in combination with the US 113 improvements would meet the overall Purpose and Need of the project by improving traffic and safety conditions through the study area.

### **B.3. Suggestions of Other Alternatives or Modifications to Alternative**

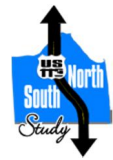
**Summary of Comments:** Forty-five comments suggested other alternatives, or modifications to the Preferred Alternative. Common suggestions included extending the SR 24 Connector further east, adding additional lanes to the SR 24 connector, and eliminating various crossover closures along US 113. Following is a sample of the comments:

- By the time this road is built -- and today, in my opinion -- it needs to be four lanes. Let's plan ahead. Let's build it four-lane.
- On SR 24 just west/south of US 113, 4 lanes are needed – a westbound “straight”/right-turn lane, a westbound left-turn lane, an eastbound straight lane, and a significantly extended eastbound right-turn lane. 4 lanes are needed on SR 24 just east/north of US 113 as well – an eastbound lane, a westbound left-turn lane, a westbound straight lane, and a westbound right-turn lane. Limit the creation of culs-de-sac and the elimination of crossovers so as to avoid further effectively separating the Town into 2 components. 3. Synchronize the various signal lights, and consider adding new ones at the intersection of US 113 and Delaware Avenue and elsewhere
- I feel for the safety of traffic the by-pass should end past the Mt Air plant.
- Is it possible to create a wider road as the bypass? I think it will be overcrowded soon.
- I believe Zoar Rd. would be the better alternative for creating the bypass.
- Please stop people from making a left turn into the nursing home parking from 24. There are 2 entrances – the westernmost one is closer to 113, and if someone can't turn into the lot they back up the traffic onto 113. In fact, it would be better if both Rt. 24 entrances were restricted during rush hours. People can still access parking from the nursing home entrance on 113. Please get rid of on-street parking just in front of the post office. Make it a turning lane into the post office. This would also help congestion.
- Suggest you reconsider an overpass or tunnel under 113 at the 24 intersection.
- With additional construction planned off of Rt. 24 west of 113 the stoplight that is currently (and future) will not be able to handle the traffic. The main priority should be to keep 113 traffic moving.
- Limiting access to Rt. 113. Leave Houston, Monroe, and Warton St. open. Leave crossover at Old Landing Rd open. Expand intersection Rt. 24 and Rt. 113. Turn lanes widened for traffic turning. Leave JJ Williams Highway open east travel from Hollyville Rd – One Way.
- Need end of bypass east of Mountaire but have turn off for Mountaire on Maryland Camp. Need turn Jersey Rd toward Rt. 30 red light.
- Instead of 6 lane – have 24 Connector cross Indian River/connect with Rt 26/continue back to 113 around Frankford area.
- Is it possible to create a wider road as the bypass. I think it will be overcrowded soon.
- Look into a road on the west side of 113 that connects 24 on the west side to the bypass.
- Need to keep Monroe Street open to access Rt. #113





- Maybe another overpass at the stoplight or stoplight would be helpful also.
- This looks like a good plan – except for the full interchange at 113 and Rt. 20. I think a plan that consumes less real estate is possible.
- We have a perfect solution and that is build an overpass on top of 113 with no traffic lights and keep the flow going for the ones who is traveling straight through.
- By creating the bypass you will be adding extra travel on secondary roads, especially when considering school bus routes in this area. You should reinforce those secondary roads to withstand that extra traffic.
- Why not continue the route east running north of the Mountaire complex and then outlet to Route 24 about or near Warwick. Provide a light to exit to Mountaire.
- Also consider paving both sides of Washington Street Ext. after they have been split by the extension.
- I am against the path (route) of the connector/by-pass road from Route 24 to Route 113 for the above mentioned area, but not the two lane only connector/by-pass proposal itself. It should be moved further north with its crossing of Route 30 (Gravel Hill Rd.) just south of Doc Frame Rd. through the fields using causeways over the wetlands of Cow Bridge Branch area. Large intersection improvements on Route 113 in Millsboro and vicinity should be completed especially at Route 24 and route 20 with property being purchased as needed for the improvements. I am against the total closing of the section of Route 24 in vicinity of Hollyville Rd. and Jersey Rd. intersection on the northeast side of Millsboro, as this closing would force much more traffic on the unimproved Gravel Hill Rd.
- The right-turn lane on Rt. 24 coming from downtown is a necessary and welcome improvement. This improvement is also desperately needed on Rt. 24 on the west side of 113 for eastbound traffic. Additionally, the Wawa desperately needs its own dedicated turn lane from Rt. 24, as traffic turning into Wawa frequently backs up westbound traffic into Rt. 113. A “left-in” is necessary for southbound 113 traffic to turn onto Old Landing Rd. Make Whartons Street and Houston Street dead-ends into right-in/right-outs.
- I couldn't see why not a bypass from Milford to Maryland to get rid of this traffic.
- And one thing I will tell you I've heard, I think more than anything else, is this concept of not cutting off all the access points across 113. And I, personally, I think that's vital. And I will be working with DelDOT to see that that's not done or that, you know, to see that we still have ways to get across that highway without being forced into just the traffic jams in the summertime.
- Since traffic coming from the South on Route 113 will probably not use the northern bypass, the intersection of Route 113 and S Washington Street should be designed to allow a better flow of East/West traffic. Parking should be eliminated on the streets of downtown Millsboro to accommodate two way traffic. There are two large parking lots that could fulfill the needs of business in the downtown area. Also, a less invasive northern route should be reexamined.
- Access to Oak Drive and safety could be greatly improved by relocating a media crossover so that it aligns with Oak Drive. A “treadle” operated stop light could be used to stop traffic on the southbound lanes of US 113 as required. Thru, westbound SR 24 traffic taking the new bypass should be routed to rejoin SR 24 at a point west of Millsboro. This would lessen impact on the subject area as well as at the 24/113 intersection and the reduced speed



limit area of SR 24 west of Millsboro.

- I suggest that DelDOT and State Legislators rethink and take time to come up with alternative ideas for solving the transportation issues in small rural towns, such as if more people were able to access public transportation with better availability and towns focused on improving public transportation with rates, scheduling, and more access for commuters to work, especially at the big companies, such as Mountaire, Indian River Power Plant, and Vlastic Foods and State Agencies. Tax incentives for car-pooling to work and the beach or shuttle busses in private sector or county or state operated.
- Finally it seems that this route is a way to use the “Patriots Way” property that was purchased in secret and was a subject of great controversy. By using this purchase as the driving force for this route and the resulting environmental consequences reminds me of the saying: “two wrongs do not make a right.”

**Response:** The alternatives analysis for this project has been extensive. Four broad-ranged concepts were initially considered in the project development process: No-build, Transportation Systems Management (TSM), Mass Transit, and build alternatives. Neither the TSM Alternative nor the Mass Transit Alternative individually met the purpose and need, so they were not carried forward. Build alternatives were developed to evaluate on-alignment (existing US 113) and new locations (eastern and western bypasses). Initially, 20 individual segments were combined to create bypass alternatives and an on-alignment alternative. Based on evaluations of the environmental impacts of the build alternatives and on their ability to meet project Purpose and Need, as well as engineering considerations, resource agency consultation and coordination, and public input, numerous segments and alternatives were eliminated from consideration. The majority of the suggestions noted above have been evaluated; however, the Preferred Alternative was identified as the alignment best meeting the Purpose and Need while minimizing impacts.

The extension of the SR 24 Connector past the Mountaire plant was examined as a potential alternative. However, DelDOT determined that the marginal improvement to traffic would not justify the significant additional cost and environmental impacts required to construct such an alignment. Furthermore, traffic studies also indicated that more than two lanes would not be required to accommodate traffic on the SR 24 Connector, and the benefit of a four-lane SR 24 Connector would not justify the additional cost and impacts. DelDOT has determined that the current design of the SR 24 Connector included in the Preferred Alternative would best meet the Purpose and Need of the project while minimizing impacts.

In response to public concerns received during the SDEIS comment period, DelDOT has modified the Preferred Alternative to remove the proposed cul-de-sacs along US 113. The modified alternative would now maintain right-in right-out connections at Monroe Street, Wharton Street, and Houston Avenue instead of closing those streets and creating cul-de-sacs. The Preferred Alternative still includes closure of the crossovers at these locations.

#### **B.4. Project Phasing**

**Summary of Comments:** Nine comments offered suggestions regarding phasing of the Preferred Alternative. In particular, many comments suggested that the SR 24 Connector should be prioritized ahead of the US 113 improvements.





- (1) Design and build ONLY Rt. 24/Downtown bypass at this time. (2) 12 months after completion of (1) do a traffic study to determine the best solution to solve remaining traffic through Rt. 113/Millsboro.
- I strongly suggest the northern bypass be the first leg of the construction process. There is dire need for this bypass.
- I would like them to consider doing this in phases with a gap in between the phases to perform Traffic Impact Studies after the first phase is done. I think the first phase they need to look at is building the bypass, doing some widening improvements at the intersection of Route 24 and 113. And then getting that project done, giving it 18 months for the traveling public to establish their traveling patterns and whatnot. And then do a Traffic Impact Study to see just exactly how much traffic was routed from in the middle of town, and study the accidents and the traveling issues that happen after they build the bypass and fix the intersection of 24. And then, they can move forward, if it needs to be, then they can move forward with putting in the additional lanes and closing crossovers and whatnot.
- If permission is granted to proceed, what is the estimated start date and estimated completion of the project?

**Response:** The publication of this Final Environmental Impact Statement and issuance of the Record of Decision will conclude the required NEPA documentation for the study. In DelDOT's most recent update to the Capital Transportation Program (CTP) FY 2017 – FY 2023, funding is programmed for the SR 24 Connector and associated grade separation beginning in FY 2018. The CTP includes three phases through FY 2023 for a total of \$104 million. This includes \$4.0 million for Preliminary Engineering in FY 2018, \$15.0 million for right-of-way in FY 2021, and \$85.0 million for construction in FY 2023. DelDOT will continue to coordinate with the community as the project moves forward.

## B.5. Design Questions

**Summary of Comments:** Three comments had the following questions regarding design:

- Concerned about where the traffic ends at Mountaire Are they going to make three lanes like they have on Rt. 26 thru Clarksville to Bethany. It will alleviate the turn traffic.
- Project reroutes traffic from DE 24 to DE 20 east. Many users may wish to continue east on 24. What provisions are made to permit travel from 20-24 – (Sheep Pen Rd. to Godwin School?)
- What is the current posted speed on the travel corridor vs the proposed speed limit for the new/widened roadway? The study references a new two-lane connector that will tie into a realigned segment of SR 20 at Hardscrabble Road. What will be the proposed speed limit on the resulting cloverleaf roadway design[...]?

**Response:** The SR 24 Connector is proposed to be two lanes (one in each direction) for the length of the new roadway.

Under the Preferred Alternative, drivers continuing east on SR 24 will still have access between SR 20/SR24 to Sheep Pen Road and Godwin School Road.

The current speed limit on US 113 would not change under the Preferred Alternative. The speed



limit on the new SR 24 Connector would likely be 45 MPH.

## B.6. Suggestions Outside Scope of Study

**Summary of Comments:** Nine comments were received offering suggestions outside of the scope of the US 113 North/South Study: Millsboro-South Area. A sample of these comments are included below.

- After this project is done, will the current bridge over Millsboro Pond (Rt. 24) be repaired?
- There needs to be a concerted effort, both on the State and County level, not to let the highway be degraded due to strip zoning.
- Add a traffic circle at Beacon Middle School on the other end of Rt 24 while you are at it, for the morning rush hour backup heading east.
- Make developments upgrade roads in order to develop.
- I think without doing something more on 24 E past Mountaire, there will still be a traffic problem.
- Also concerned about east-west road from 404 to Rt 1.
- On Rt. 24 through Millsboro, suggest signage limiting trucks over a certain weight. They should be redirected to the bypass. Actually, these signs should be posted prior to Rt. 24.
- We should request/demand that once the new bypass is open, trucks should be restricted to utilize the new route only and not the existing route thru the center of the town of Millsboro, this would result in an overall nicer, safer, and cleaner environment for Millsboro businesses and their patrons.

**Response:** As described in **Chapter 1** of the **FEIS**, the purpose of the study is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic. Suggestions that fall outside of the scope of the Purpose and Need, or outside of the Millsboro-South Area (refer to **Section 1.1.2**) are not considered in this study. Improvements to the existing bridge over Millsboro Pond, as well as zoning and land use decisions, are not within the purview of this study. Beacon Middle School is outside of the Millsboro-South Area.

DelDOT may consider signage or other notifications to direct trucks or seasonal traffic through the study area. However, this would be considered separately from the US 113 North/South Study.

## B.7. Funding

**Summary of Comments:** One commenter requested information on funding for the project:

- How will this be funded?

**Response:** In DelDOT's most recent update to the CTP FY 2017 – FY 2023, funding is programmed for the SR 24 Connector and associated grade separation beginning in FY 2018. The CTP includes three phases through FY 2023 for a total of \$104 million. This includes \$4.0 million for Preliminary Engineering in FY 2018, \$15.0 million for right-of-way in FY 2021, and \$85.0





million for construction in FY 2023. DelDOT will remain in communication with the public as the project moves forward and funding is identified.

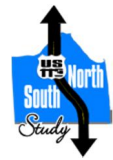
## C. Environmental and Social Concerns

### C.1. Property Taking, Property Values or Access Modification

**Summary of Comments:** Ten comments noted their concern with property taking, property values or access modification. Below is a sample of these comments.

- Part of our dirt road on Hollyville Rd. belongs to Mountaire Farms. On the second plans there was a state access road put in at Hollyville Rd. but on the new plans that road was taken out. If Mountaire does not allow us access we would have no way to our home once the other end of Washington St. Ext is closed off by the new road.
- I have a house on Route 30 directly opposite of -- on the pond directly opposite of where the bridge is going to come from that point in the pond. And it's going to be within very -- it looks like it's under the bridge.
- And while the councilman encouraged us to get past the details, some of the unfortunate details here are that the homeowners in the Plantation Lakes community are losing a substantial portion of what they bought into because this cloverleaf, as I understand it, is going to take up a large chunk of the Town Center property that was to be developed. And as a result of that, the value of the entire commercially zoned portion of the property is going to be devastated, and the plans will not be able to go forward.
- This is to inform you of our opposition to the connecting spur from highway 30 (Gravel Hill Road) to the proposed SR 24 connector road that is currently planned for the Hamblin land located East of Gravel Hill Road. This connector seem to be a needless connector since there is a viable intersection available for Gravel Hill to connect to SR24 just North of the Millsboro dam. The volume of traffic that would use highway 30 to connect to SR 24 when US113/SR24 would be faster would be minimal. This SR 24 connector is of little value and a wasteful abuse of the Hamblin's land. It gives one the impression that since the Hamblin land is "Just A Field" that it would be the easiest target to dump this connector on to satisfy a few travelers.
- Some people will suffer financially hardship for appraisal value loss of their property and loss of their homes and farms that has been in their families for generations.

**Response:** As discussed in **Section 3.1** of the **SDEIS**, impacted property owners would be contacted regarding potential acquisitions, and they would be fairly compensated for the required acreage and improvements on the parcels. In the case of agricultural preservation lands, compensation would be determined based on the "highest and best development use of the property with no consideration given to the restrictions and limitations" of the preservation agreement (3 *Delaware Code, Chapter 9, Subchapter IV, Section 922*). Compensation would also be provided for any farmland that may be unsuitable or inaccessible for farming as a result of the roadway improvements. Impacted business owners would be contacted regarding potential acquisitions, and they would be fairly compensated for the impacts to their businesses. For relocations, owners would be provided assistance in accordance with the federal *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended, and DelDOT's policies. Many of the property



impact concerns related to the Blue Alternative have been eliminated with the Preferred Alternative. The numbers of total property impacts and relocations have been reduced substantially. Once the NEPA process is completed, DelDOT would evaluate properties for advanced acquisition based on need and hardship.

There would be a proposed cul-de-sac along Washington Street Extension on both sides of the Preferred Alternative; however, access would be maintained to Hollyville Road with an at-grade, signalized intersection. This configuration will be similar to the recently constructed signalized intersection at SR 24/Hollyville Road/Jersey Road.

## C.2. Land Use/Livability

**Summary of Comments:** Two comments were received expressing concern with issues related to land use and livability, as noted below:

- Does the Town of Millsboro have a development plan/vision for the center of town looking out to the year 2040?
- How can the stakeholders and government agencies make a decision with such impact on the environment and lives of the people who have to live in this area for 365 days a year, compared to those who come to visit for tourist attractions and seasonal use of residency? [...] Neighborhood cohesion would be impacted by a roadway placed in the rural area adjacent to the town, separating it from the surrounding farms and rural residences similar to my property on Fox Run Road by Betts Pond.[...] Most people who reside in Sussex County enjoy the farm and rural lifestyle, and don't want to exchange it for highways and expressways and big city living and the problems this lifestyle brings. If people want fast and convenience, then go live in places where it is a big city lifestyle and not ruin it for those who don't want this form of unwelcomed change.

**Response:** The Preferred Alternative would improve US 113, with only minor changes to access, with a two-lane bypass around Millsboro, eliminating impacts associated with the US 113 bypass alternatives that were evaluated in the DEIS, including impacts to Piney Neck Road. The livability effects associated with the Preferred Alternative would be much less than those associated with the alternatives evaluated in the DEIS.

Sussex County's population is projected to increase 26 percent by 2040, according to Delaware Population Consortium 2014 projections. The *Sussex County Comprehensive Plan*, last updated in 2008, contains a Future Land Use Plan to help guide the location of development needed for the projected increases in population and respective housing needs. The need for the project is a result of expected future land development and economic growth in Sussex County and its municipalities, as well as the increased use of the resort area in southeastern Sussex County (both in the summer and year-round) and the projected increase in regional traffic traveling through the Delmarva Peninsula over the next 25 years. Refer to **Section 3.1** for more information.

The SR 24 Connector would have little impact on community cohesion in Millsboro because the alignment would bypass the municipality completely. However, this portion of the Preferred Alternative would place a roadway in the rural area adjacent to the town, potentially separating it from the surrounding farms and rural residences. The portion of the Preferred Alternative along





the existing US 113 corridor, while modifying some access points, would maintain access; therefore, community cohesion would not be substantially impacted. The Preferred Alternative would also benefit the surrounding neighborhoods through improved travel patterns. The SR 24 Connector would increase connectivity, linking parts of the study area that were previously less accessible, and would reduce traffic passing through the Town of Millsboro.

### **C.3. Community Facilities (Schools, Emergency Response, Parks, Public Access to Water Crossings)**

**Summary of Comments:** Five comments expressed their concern with impacts to community facilities such as parklands, schools, provision of public access at water crossings, and concern about access for emergency response, as noted below:

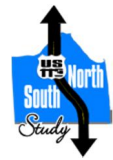
- I believe Zoar Rd. would be the better alternative for creating the bypass. It will not affect the school or the buses taking the children home to Millsboro.
- By creating the bypass you will be adding extra travel on secondary roads, especially when considering school bus routes in this area.
- Don't close feeder streets fronting on 113 Wharton, Monroe & Houston. Make them right in / right out. These smaller streets are needed by residents to access 113 without crowding RT 24. Emergency equipment needs alternative routes when accidents jam-up 113. These smaller streets have been used several times this year for that exact purpose.
- One other issue brought-up in SDEIS statement about emergency transportation, how often is this occurring per summer peak hours interfering with emergency time spent stick in traffic? Also, Millsboro may be able to learn from NYC and how they overcome the issues of traffic and emergency vehicle problems.
- Another impact of closing the crossovers is that fire and law enforcement will have more difficulty responding to incidents west of Rt 113 in a timely manner.

**Response:** The Preferred Alternative would not include the proposed interchange near Indian River High School; therefore, the school would not be impacted. Although temporary or permanent road closures resulting from the project would affect school bus routes; DelDOT would coordinate with the Indian River School District to minimize disruptions. Delays in emergency response times may occur during construction; however, coordination with emergency service providers would occur prior to and during construction to minimize impacts. Once the project is completed, the bypass around Millsboro would provide an additional route that could be used during emergency situations. Improvements to US 113 would also improve access during emergency situations. DelDOT would coordinate with emergency responders to ensure access is available during emergencies. As discussed above in Section B.3, the modified alternative would now maintain right-in right-out connections at Monroe Street, Wharton Street, and Houston Avenue instead of closing those streets and creating cul-de-sacs.

### **C.4. Aesthetics**

**Summary of Comments:** One comment was received concerning the effect that the Preferred Alternative would have on scenery and visual quality in the study area, as noted below:

- These ramps will be as a pillar of dirt, noise, pollution, and loss of natural beauty to the



area on SR 24 Connector, as close as 200 to 300 feet to agriculturally residential property [...] Finally, most people enjoy the country living and don't want progress or the loss of the natural beauty of residing in Sussex County due to unhealthy and unsightly ramps, bridges, highways.

**Response:** The Preferred Alternative would have fewer impacts to scenic vistas when compared to the Blue Alternative. However, due to the low relief of the topography within the entire study area, areas that are somewhat distant would have views of the new roadway. Similarly, those in the vicinity of Millsboro Pond will have views of the new bridges. Due to the scattered nature of the housing in the study area, mitigation for visual impacts is not feasible.

### C.5. Business Impacts

**Summary of Comments:** Six comments expressed concerns about impacts to businesses. Below is a sample of these comments:

- As for the 3 lanes through Millsboro – I disagree – as a business owner my customers rely on some of the crossover turns to get to my shop.
- As per map my option is not to do bypass, because of its effect on businesses in Millsboro Town.
- Will the bypass cause any economic impact to the businesses in the town of Millsboro due to a resulting lower level of traffic?
- I am a dentist and my office location is 28318 DuPont Blvd, on the south bound side of Kerlyn Drive. I am concerned about the limited access my patients will have when trying to reach my office, especially ones coming up from the south.

**Response:** The No-build Alternative would continue to perpetuate congestion, increasing travel times along roadways to access businesses and residences, thus decreasing efficiency for businesses. The Preferred Alternative would improve travel patterns for vehicles, trucks and buses by decreasing traffic and reducing congestion along US 113. On-alignment improvements proposed under the Preferred Alternative would improve mobility in the area by easing congestion, decreasing travel times, and increasing connectivity, thereby improving access to local businesses, which in turn contributes to an improved local economy. The new SR 24 Connector would provide increased accessibility, mobility, and safety by providing an additional east/west connection to existing SR 24 and reducing traffic through downtown Millsboro.

### C.6. Noise

**Summary of Comments:** Three comments expressed concern for potential for noise increases resulting from the project, as noted below:

- The study references a new two-lane connector that will tie into a realigned segment of SR 20 at Hardscrabble Road. What will be the proposed speed limit on the resulting cloverleaf roadway design and what is the potential noise level from truck traffic as they downshift to negotiate these newly created curved roadways.
- My concern is that there will be increased truck activity close to my home causing noise that will interfere with daily living.





- These ramps will be as a pillar of dirt, noise, pollution, and loss of natural beauty to the area on SR 24 Connector, as close as 200 to 300 feet to agriculturally residential property, not to mention loss of wildlife in the area due to construction and highway use, rather than quiet back road streets.

**Response:** The **SDEIS Noise Technical Report** provides detailed analysis of potential noise increases for the Preferred Alternative and is summarized in **Section 3.9**. The analysis describes predicted future sound levels, identifies impacted locations, and discusses the requirements for considering noise mitigation.

### C.7. Hazardous Materials

**Summary of Comments:** One comment expressed concern related to hazardous materials during and after construction of the Preferred Alternative.

- How is the zoning for this SR 24 Connector Ramp within building codes and roadway construction zoning for residential safety and residential healthy impacts to wells with hazard materials coming from the construction process, which will be 5 to 7 years to completion and the hazard waste materials that will be coming from the Indian River Power Plant, Mountaire Corporation, and Vlasic Foods Facility hauling trucks coming back and forth on this new roadway?

**Response:** As discussed in **Section 3.10**, the project is located within 600 feet of 31 identified hazardous materials sites, but based upon the available information, there is no evidence of environmental contamination that would render the project area unsuitable for development. Since this is a planning-level study, extensive investigations of individual contamination sites are not practical. As the project progresses through the design process, further investigations will occur.

If during the Phase I site characterization hazardous materials are found to exceed the DNREC and/or EPA reporting requirement limits, the DelDOT HazMAT Team would work with DNREC to document the extent of the contamination and develop a remedial action work plan to effectively limit human and environmental exposure to the contaminants during the construction of the project.

### C.8. Water Resources (Water Quality, Ponds, Wetlands, Streams, and Floodplains)

**Summary of Comments:** Seven comments were received noting their concern for degradation of water quality due to the construction of new bridges, impacts associated with crossing Millsboro Pond and streams, and impacts to wetlands and floodplains. Following are some examples of the comments:

- The SDEIS identifies 0.8 acres of impacts to palustrine forest wetlands within the Cow Bridge Branch-Indian River watershed, under the Preferred Alternative. These impacts have been reduced from the 30.8 acres of wetland impacts under the 2013 DEIS Preferred Alternative. Stream impacts have been reduced from 19,246 linear feet to 1,042 linear feet [...] These impacts are greatly reduced when compared with the DEIS Preferred Alternative and we encourage the continued minimization of impacts to the human and natural



environment when working through design and implementation of the project.

- The previous plan starting at Stockley did not do as much damage to Millsboro Pond and its residents.
- SDEIS roadway projects can result in source pollution and typical pollutants from roadways include heavy metals, asbestos, and engine oils and de-icing salt that is transported into surface and groundwater, as stated in 3.10.3 of the statement. This in my humble opinion, the pollution is unsafe and unhealthy for my residential property well and not a natural decomposition process, such as the septic system, which is heavily regulated by DNREC because my property is located in a “watershed” area.
- Finally why would you want to put a bridge across the Millsboro Pond? There are few nice little ponds left and don’t forget DOE Bridge and the Hamblin Tract.
- Also, two bridges across Millsboro Pond will be very destructive to the waters. In an era of challenging water pollution issues this will only exacerbate the problems with our deteriorating quality of life.
- This route has the least impact to wetlands, waters, forest and sensitive habitats. [...]The area of the proposed crossing of Millsboro Pond includes shallow water habitat suitable for spawning by species in the sunfish family (Centrarchidae), which includes Largemouth Bass as well as Bluegill and Black Crappie.

**Response:** In accordance with Executive Order 11990, *Protection of Wetlands*, wetlands and open waters were given special consideration in developing and evaluating the Preferred Alternative, and have been avoided where practical. Impacts have been reduced through inclusion of bridges in the project design to span sensitive wetland areas and streams. As discussed in **Section 3.11.5**, the mitigation strategy is currently being developed. However, the current approach would be to develop a permittee-responsible comprehensive mitigation plan to mitigate for impacts to wetlands and streams.

Delaware’s Sediment and Stormwater Regulations are intended to minimize the amount of nonpoint source pollution that reaches waterways by utilizing BMPs and other acceptable stormwater management techniques as would be determined early in the design phase, as suggested by EPA. Some of these techniques that would be considered include installing sediment basins, ponds, or filter systems to filter runoff prior to its entering waterways.

The new roadway would be designed to minimize flooding by following the general guidelines for the design and construction of culverts and bridges listed in the National Flood Insurance Program. One potential concern with water crossings is fragmentation of fish habitat. Each crossing would be examined to ensure that the most appropriate method is used to maintain fish passage.

The Preferred Alternative has substantially fewer impacts to wetlands, streams, and habitat as compared to the DEIS Preferred Alternative, as discussed in **Section 3.11.5. Chapter 3** of the **SDEIS** provides an alternatives comparison showing that the least environmentally damaging practicable alternative was identified as the Preferred Alternative.

### **C.9. Vegetation and Wildlife, and Rare, Threatened, and Endangered Species**

Five comments included concern for potential impacts to vegetation, wildlife, or rare, threatened and endangered species. Concerns about the Doe Run Nature Preserve are included here as well.





Following is a sampling of the comments:

- The location of SDEIS Preferred Alternative avoids the Doe Bridge Nature Preserve; it would now be at least 500 feet from the southern border of the preserve, reducing forest land impacts to 11.4 acres. These impacts are greatly reduced when compared with the DEIS Preferred Alternative and we encourage the continued minimization of impacts to the human and natural environment when working through design and implementation of the project. [...] We encourage continued coordination with DNREC's Division of Fish and Wildlife to refine post-construction mitigation for high-quality palustrine forested wetlands and also to define the extent of buffers around existing Bald Eagle nests near Millsboro Pond. Please consider disclosing, prior to construction, DelDOT's plans to address Delaware's Landscaping and Reforestation Act for mitigation/replacement of the 11.4 acres of forestlands impacted by construction and operation of the SDEIS Preferred Alternative. Consideration could be given to areas which would augment or expand established forested areas.
- These ramps will be as a pillar of dirt, noise, pollution, and loss of natural beauty to the area on SR 24 Connector, as close as 200 to 300 feet to agriculturally residential property, not to mention loss of wildlife in the area due to construction and highway use, rather than quiet back road streets.
- The property that this route follows is adjacent to the "Doe Run" nature preserve so should be considered in the same manner. Therefore if it is not advisable to utilize the State land due to environmental issues than this property should be in the same category.
- It is noted that Table 3-18 in the SDEIS does not include Chermock's Mulberry Wing (*Poanes massasoit massasoit*). This butterfly is of the highest degree of global and state rarity and has been documented in the nature preserve. It is the opinion of the Species Conservation and Research Program that this species may utilize resources within the project's study area and should be included in any table or list of species that might be impacted by the US North/South US 113 project. [...] Although the current alignment does not encroach upon the dedicated boundaries of the nature preserve, the roadway will eliminate or fragment habitat that currently serves as important buffer and provides resources to the species in the preserve. These resources will no longer be available to the Doe Bridge Nature Preserve species. [...] This impacted area is classified as a Natural Area, which does not have the same protected status as a nature preserve, but is still high quality habitat. [...] After construction, noise disturbance will increase overall due to new traffic patterns.

**Response:** As described in **Section 3.11.7** of the **FEIS**, DelDOT coordinated with DNREC to develop an alignment that would minimize impacts to the Doe Bridge Nature Preserve. Following DNREC's guidance, the alignment has been shifted south to cross Millsboro Pond instead of the Nature Preserve. Since the main alignment of the SR 24 Connector would be located at least 500 feet from the southern border of the Doe Bridge Nature Preserve, impacts would be minimized. DelDOT is committed to on-going coordination with the Office of Nature Preserves within DNREC. The Chermock's Mulberry Wing butterfly has been added to **Section 3.11.8** of the **FEIS** at DNREC's request.



**Section 3.11.8** of the **SDEIS** describe measures to promote acceptable conditions for Bald Eagles during the construction period and notes that consultation with the USFWS and DNREC will be required prior to construction to determine the exact location and extent of the buffers around existing eagle nests and any further site-specific restrictions.

Surveys have already been conducted for the federal-threatened swamp pink, with a commitment to perform additional surveys prior to construction. If an occurrence of swamp pink is found, Section 7 consultation with the USFWS would be initiated.

When practicable, disturbed soils would be covered with native vegetation or mulch to limit the spread of invasive species.

### **C.10. Climate Change**

**Summary of Comments:** One comment from EPA noted, “EPA appreciates the consideration given to infrastructure resiliency in the NEPA analysis; continued assessment of climate trends and sustainable design is recommended through project development.”

**Response:** Executive Order 13783, Promoting Energy Independence and Economic Growth, dated March 28, 2017, rescinds the Council on Environmental Quality (CEQ)’s final guidance for federal agencies on how to consider greenhouse gas emissions and the effects of climate change in NEPA reviews. The FEIS has been updated to reflect the current guidance.

### **C.11. Construction Impacts**

**Summary of Comments:** Seven comments were received noting concerns about impacts resulting from construction of the Preferred Alternative. A sample of these comments is included below.

- I put here that if the construction of a poultry -- or if the construction of a road is west of the current Mountaire poultry plant, and if the entrance or exit is west of Route 24 and you have temporary construction delays between the town of Millsboro and the processing plant on Route 24, on a hot, humid day and a poultry live haul gets caught in the traffic an unordinary period of time, they will die.
- Also summer work needs to be considered and only night work.
- What are the proposed hours of work? Obviously we would like to see non peak season construction and as much night construction as possible to minimize the impact on local traffic.
- How long are delays/closures expected to last while working on Rt. 113 (adding 3rd lane)?
- Noise disturbance during construction may negatively impact fauna species within the preserve. [...]The area of the proposed crossing of Millsboro Pond includes shallow water habitat suitable for spawning by species in the sunfish family (Centrarchidae), which includes Largemouth Bass as well as Bluegill and Black Crappie. These species are nest-builders and sediments suspended by project activities could impact nesting activities and larval survival. [...] Due to the importance of the recreational fishery at the pond and the sensitivity of key fish species that breed there, the team recommends that construction activities that are likely to introduce sediment into the pond be avoided to the greatest practicable extent between April 1 and July 15.





**Response:** Environmental impacts from construction of the roadway would be controlled, minimized, or mitigated through construction methods and practices identified during the final planning and design process. Coordination with DNREC will continue through construction to ensure impacts to natural resources are minimized during construction. A transportation management plan would be developed during final design to mitigate potential delays to local traffic occurring during construction. This would include practices such as detours, designated truck routes, and traffic maintenance and control. Maintenance of the current flow of traffic on the existing roadway network would be planned and scheduled to minimize traffic delay throughout the construction process. Delays in emergency response times may occur during construction; however, coordination with emergency providers would occur prior to and during construction to minimize impacts. More information on potential impacts and mitigation measures related to construction is included in **Section 3.15**.



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
<b>Legislative Comments</b>			
Councilman Rob Arlett	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.4</b> Project Phasing	Public Testimony	<p>First off, I want to thank everybody for being here. I'm your Sussex County councilman. Millsboro here is part of the district that I have. I do have to bolt to Laurel. They are celebrating their 100<sup>th</sup> Chamber of Commerce anniversary tonight. So that's also part of the district.</p> <p>So who has never not been to a DelDOT meeting before, this is your first meeting ever? I'm curious. So I see – it's pretty decent. Probably about a quarter to a third.</p> <p>I just want to publicly go on record that I am supportive of this. Granted, the devil is in the details. I have listened to several tonight. There are some, I think, some adjustments. But, by and large, I think this community – I have listened to you folks from the town as well – they are excited about this, by and large, because of that traffic.</p> <p>This is probably the biggest daily bottleneck in this county, in my opinion. I probably – I don't know if it's true or not, but I believe that this is the number one biggest bottleneck in this county right here. And I'm grateful that they are back.</p> <p>I would like to set the goal – and I will call Jen on my cell when I leave to Laurel – I would like to see us let's get it done in five years. I say there's no reason why we can't do that. Others do it around this country. Why can't Delaware do it, too?</p> <p>So let's focus on cutting it in half, more cost-effective, more efficient. If that means we have to do the Route 113 corridor as a separate phase, perhaps maybe we should look at that. So, anyway, thank you for your time. And I appreciate all of you being here. Thank you.</p>
Mayor John Thoroughgood	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Email	<p>Good Morning, I have been involved in this bypass controversy even since it started. After setting on a panel of 24 different people from the areas after many meetings lasting four years of studies we came up with a plan which was called the Blue Route. It seemed to be the best plan of the work group at the time. The biggest opposition was Parsons Chicken farm which was what the study was all about. I do respect Parson Farm since I came from a family-owned business which started in 1920. Delmarva is a Chicken growing area and farm land. We are losing that perspective due to Farmers selling out to developers. That is where the traffic problem becomes everybody's issue. Unless we address the issues for real as they are you can't have it both ways. You're either Farmers or Developers. There</p>





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>has to be a balance which is the hard part. I understand the new proposed bypass is going to dump traffic on the west side of Mountaire. I would like to voice my opinion on that decision. I think it would be much better if you went on the east side of Mountaire because the feed trucks going west from their plant would really have a hard time entering route 24 from a dead start. I'm not speaking for Mountaire but I drive 40-ton trucks and it is very frustrating trying to make timely deliveries in this area. I can't imagine what the Mountaire truck drivers are going to be faced with on the decision to wait for cars lined up going east and west to find an open spot so they can safely get on Rte.24. If the ramps were on the east side of Mountaire the flow of traffic would be much smoother. I've heard the argument of the bridge that would have to cross a body of water but in the end, I think you wouldn't second guess that decision.</p> <p>There is irrigation spay going on in that area which looks like could be relocated on the big farm Mountaire owns on Cordrey road. Maybe work out something with Mountaire in that regard of the costs. I know this is the last day for comments that is why I want to go on record of my suggestions. Everyone has an opinion but with many different outlooks and perspectives you can make good decisions. Thank you for your time.</p>
Mayor John Thoroughgood	<b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector	Comment Form	The three lanes on 113 makes no sense. It will hurt Millsboro residents to get around Millsboro, taking the crossovers out will be a big mistake.
Councilman Tim Hodges	<p><b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements</p> <p><b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector</p>	Comment Form	<p>(1) Design and build ONLY Rt. 24/Downtown bypass at this time.</p> <p>(2) 12 months after completion of (1) do a traffic study to determine the best solution to solve remaining traffic through Rt. 113/Millsboro.</p> <p>(3) Make (1) 4 lanes. There is no sense in going to all this effort and build only a 2-lane road. Spend a few extra dollars today and save twice as much tomorrow!</p>



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.4</b> Project Phasing		
Councilman Tim Hodges	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Public Testimony	<p>Hi. My name is Tim Hodges. I'm on Millsboro Town Council. I would like to just reiterate a couple points that I've heard and share as my view.</p> <p>The bypass that goes around and bypasses the downtown area – I will call that the Route 24 bypass – I think it's needed very much so. It's needed tomorrow. It's needed today.</p> <p>One problem I see with it, it needs to be four lanes. If we are going to go to this time, effort, and expense to design such a road, let's plan for the future. Let's not build a two-lane. Let's make it four lanes so it will be there for the next generation and the generation after that. By the time this road is built -- and today, in my opinion -- it needs to be four lanes. Let's plan ahead. Let's build it four-lane.</p> <p>When it comes to the Route 113 changes, my gracious, I can't see Millsboro with a six-lane highway going down the middle of it and dividing little old Millsboro. Are we going to call it Millsboro East, Millsboro West? Which side – which town do you live in? You know. Six lanes is not the solution to this problem. Let's find another solution to the north/south.</p> <p>Let's not hold up the Route 24 bypass because of that, though. Let's build it, and let's move forward.</p> <p>And that's pretty much all I have to say. We certainly need the bypass going around town, around downtown, and we do need some improvements going north and south.</p> <p>My opinion is that this is not it. Six lanes and limiting access through town, if you live on the east side of town and you are going to the west side, where are you going to go? You are going to go to Route 24. It's two-lane. It's already backed up downtown all afternoon and half the morning. You know, where are you going to cross? So I think that needs a little more thought. Thank you for your time.</p>





*US 113 North/South Study Millsboro-South Area  
Final Environmental Impact Statement*

Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
<b>Agency Comments</b>			
Delaware Department of Natural Resources & Environmental Control	<b>C.8</b> Water Resources  <b>C.9</b> Vegetation and Wildlife, Rare, Threatened, and Endangered Species  <b>C.11</b> Construction Impacts	Letter	<p>Re: Us 113 North / South Study Area Millsboro-South Area Supplemental Draft Environmental Impact Statement</p> <p>Dear Mr. Behrens:</p> <p>The Department of Natural Resources and Environmental Control (DNREC) review team appreciates the opportunity to comment on the Millsboro-South Area Supplemental Draft Environmental Impact Statement (SDEIS). This document addresses the proposed construction of highway improvements to the Route 113 and Route 24 area in Millsboro area and Route 113 through and south of Millsboro.</p> <p>Representatives of DNREC review team includes representatives from the Coastal Programs, Wetlands and Subaqueous Lands Section, the Species Conservation and Research Program, and Natural Areas Program who have participated in the development of this SDEIS, along with other state and federal agencies. DNREC scientists have provided resource specific data and information, attended regular agency coordination meetings and on-site reviews of this project area. Detailed comments were sent in a letter dated October 18, 2013, from former DNREC Secretary Collin O'Mara in response to the Draft EIS (DEIS). At that time, DelDOT had chosen the Blue Alignment as their preferred alternative. The letter detailed our collective assessment of all alternatives presented in the DEIS, and stated our preference for the Yellow on-alignment alternative as the least impactful to natural resources.</p> <p>The currently proposed highway improvements include an on-alignment widening of Route 113 from four to six lanes from Sheep Pen Ditch to Route 20, and an off-alignment construction of a new two-lane connector between SR 24 and Route 113 through Millsboro Pond.</p>



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p><u>Route 113- On-Alignment Construction</u></p> <p>The on-alignment Yellow alternative chosen by DelDOT has fewer impacts than alternative routes previously developed. This route has the least impact to wetlands, waters, forest and sensitive habitats. The use of an existing transportation corridor reduces habitat fragmentation and impacts in other less disturbed areas. Although final design plans have not been completed, it appears that this alignment will effectively minimize the environmental impacts from construction. The DNREC review team supports this alignment.</p> <p><u>Route 24 Connector</u></p> <p>The connector route has been determined necessary by DelDOT to relieve traffic congestion in downtown Millsboro. The connector crosses the northern portion of Millsboro Pond directly south of Doe Bridge Nature Preserve.</p> <p><u>Doe Bridge Nature Preserve</u></p> <p>The DOE Bridge Nature Preserve consists of 496 pristine acres and is one of the most spectacular and distinctive environments within our state. The juxtaposition of a variety of uncommon and unique habitat types occurring together is significant and results in a highly diverse flora and fauna.</p> <p>The vast array of plants and animals occurring at the Doe Bridge Nature Preserve includes 16 state/federal, and globally rare species, 33 species of state uncommon plants, and 10 vegetative communities (including communities that host 11 species of peat moss, a diversity not known anywhere else in Delaware). It is noted that Table 3-18 in the SDEIS does not include Chermock's Mulberry Wing (<i>Poanes massasoit massasoit</i>). This butterfly is of the highest degree of global and state rarity and has been documented in</p>





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>the nature preserve. It is the opinion of the Species Conservation and Research Program that this species may utilize resources within the project's study area and should be included in any table or list of species that might be impacted by the US North/South US 113 project.</p> <p>Although the current alignment does not encroach upon the dedicated boundaries of the nature preserve, the roadway will eliminate or fragment habitat that currently serves as important buffer and provides resources to the species in the preserve. These resources will no longer be available to the Doe Bridge Nature Preserve species. This impacted area is classified as a Natural Area, which does not have the same protected status as a nature preserve, but is still high quality habitat.</p> <p>Invasive species are expected to take advantage of the areas disturbed by construction. It is likely that this will increase invasive species within the nature preserve due to its adjacency. Noise disturbance during construction may negatively impact fauna species within the preserve. After construction, noise disturbance will increase overall due to new traffic patterns.</p> <p><u>Millsboro Pond</u></p> <p>In addition to the comments regarding Millsboro Pond included in DNREC's comment letter of October 18, 2013, the DNREC review team offers the following comments and recommendations: The area of the proposed crossing of Millsboro Pond includes shallow water habitat suitable for spawning by species in the sunfish family (Centrarchidae ), which includes Largemouth Bass as well as Bluegill and Black Crappie. These species are nest-builders and sediments suspended by project activities could impact nesting activities and larval survival. In addition, there is a potential for direct habitat loss from the road crossing and associated structures.</p>



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			<p>The pond receives heavy fishing pressure, thus successful spawning and recruitment into the fishery is important. According to data from a 2013 state-wide survey of anglers that freshwater fish in Delaware, Millsboro Pond was one of the most heavily fished (angler hours) ponds in Delaware. In addition, according to anglers that target specific species, Largemouth Bass was the most targeted by anglers of all age groups, non-resident and resident. The pond is also a popular Largemouth Bass tournament location. Due to the importance of the recreational fishery at the pond and the sensitivity of key fish species that breed there, the team recommends that construction activities that are likely to introduce sediment into the pond be avoided to the greatest practicable extent between April 1 and July 15.</p> <p>DNREC is willing to assist in developing plans to minimize and restore disturbance from construction, and to mitigate for impacts from noise and light pollution. We will continue to provide the expertise of our programs as we strive to balance transportation needs and natural resource protections; and we look forward to working with you and the Project Team during permitting and construction of the project. Please contact Tricia Arndt of Coastal Programs at 302-739-9283 or at Tricia.Arndt@state.de.us ; or Joanne Lee of the Wetlands and Subaqueous Lands Section at 302-739-9433 or at Joanne.Lee@state.de.us with questions regarding our comments or for more information.</p>
Town of Millsboro Mayor and Council	<p><b>A.2</b> Traffic</p> <p><b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements</p> <p><b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative</p>	Letter	<p>RE: SR 24/US 113 Improvements Project</p> <p>Dear Ms. Cohan:</p> <p>First of all, the Millsboro Town Council would like to thank you and the Delaware Department of Transportation for making the SR 24/US 113 improvements project one of its top priorities. The Town Council is also appreciative of the efforts made by governors Carney and Markell, Senator Hocker, Representative Collins, and Councilman Arlett – among others – in this regard.</p> <p>While generally supportive of the project, Council would respectfully request that your department <i>thoughtfully</i> consider the following input <i>and enter it into the official record</i>:</p>





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	<b>B.4</b> Project Phasing		<ol style="list-style-type: none"> <li><u>Build the SR 24 Connector and make the below-mentioned improvements to the US 113/SR 24 intersection first (exclusively if possible).</u> <ul style="list-style-type: none"> <li>As you know, the most immediate need is to address the traffic situation along SR 24 from Kendall Street (West/South of US 113) east to the location near Mountaire. While the planned installation of a traffic signal at Hollyville and Jersey roads may provide a measure of relief in this regard, far more will need to be done.</li> <li>On SR 24 just west/south of US 113, 4 lanes are needed – a westbound “straight”/right-turn lane, a westbound left-turn lane, an eastbound straight lane, and a significantly extended eastbound right-turn lane.</li> <li>4 lanes are needed on SR 24 just east/north of US 113 as well – an eastbound lane, a westbound left-turn lane, a westbound straight lane, and a westbound right-turn lane.</li> </ul> </li> <li><u>Limit the creation of cul-de-sacs and the elimination of crossovers so as to avoid further effectively separating the Town into 2 components.</u></li> <li><u>Synchronize the various signal lights, and consider adding new ones at the intersection of US 113 and Delaware Avenue and elsewhere.</u></li> </ol> <p>In addition to asking that the above comments be taken into account, Council would request that the Department provide an updated estimated start date for the project. Thank you in advance. If you have any questions, feel free to contact me.</p>
US EPA	<b>C.8</b> Water Resources  <b>C.9</b> Vegetation, Wildlife, and RTE Species  <b>C.10</b> Climate Change	Letter	<p>In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, the U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the US 113 North/South Study, Millsboro-South Area. The EIS has been prepared by the Federal Highway Administration (FHWA) Delaware Division and the Delaware Department of Transportation (DelDOT).</p> <p>The objective of the project is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic. The SDEIS was prepared to review changes made to the US 113 North/South Study: Millsboro-South Area since the publication of the Draft Environmental Impact Statement</p>



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			<p>(DEIS) in 2013, to re-evaluate alternatives and their potential impacts. In response to comments on the DEIS, several changes have been made to the study including the elimination of a provision for a limited access roadway. DelDOT and FHWA decided to reconsider the Purpose and Need of the project, changing the focus to a Modified Yellow Alternative which is now referred to as the SDEIS Preferred Alternative. The SDEIS Preferred Alternative has significantly less environmental impacts than the DEIS Preferred Alternative, as the scope of construction has been reduced and is mostly within the existing alignment.</p> <p>The SDEIS identifies 0.8 acres of impacts to palustrine forest wetlands within the Cow Bridge Branch-Indian River watershed, under the SDEIS Preferred Alternative. These impacts have been reduced from the 30.8 acres of wetland impacts under the 2013 DEIS Preferred Alternative. Stream impacts have been reduced from 19,246 linear feet to 1,042 linear feet, while the number of impacted residents decreased from 173 to 6, number of business relocations decreased from 10 to 2, and agricultural land impacts have been reduced from 721 to 151 acres. The location of SDEIS Preferred Alternative avoids the Doe Bridge Nature Preserve; it would now be at least 500 feet from the southern border of the preserve, reducing forest land impacts to 11.4 acres. These impacts are greatly reduced when compared with the DEIS Preferred Alternative and we encourage the continued minimization of impacts to the human and natural environment when working through design and implementation of the project. EPA appreciates the consideration given to infrastructure resiliency in the NEPA analysis; continued assessment of climate trends and sustainable design is recommended through project development.</p> <p>As a way of evaluating NEPA projects, EPA has developed a set of criteria for rating Draft Environmental Impact Statements. The rating system provides a basis upon which EPA makes recommendations to the lead agency. Based on this rating system, EPA has previously rated the 2013 US 113 North/South Study, Millsboro-South Area DEIS as an Environmental Concerns 2 (EC-2). Based on corrective measures, refocusing of the SDEIS, and significant reduction of environmental impacts, EPA has rated the SDEIS for the project as a Lack of Objections (LO). This rating means that our review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. Our review, however, does disclose opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the</p>





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			<p>proposed action (below). A copy of our rating system can be found here:  <a href="https://www.epa.gov/nepa/environmental-impacts/rating-system-criteria">https://www.epa.gov/nepa/environmental-impacts/rating-system-criteria</a></p> <ol style="list-style-type: none"> <li>1. We encourage continued coordination with DNREC's Division of Fish and Wildlife to refine post-construction mitigation for high-quality palustrine forested wetlands and also, to define the extent of buffers around existing Bald Eagle nests near Millsboro Pond.</li> <li>2. Please consider disclosing, prior to construction, DelDOT's plans to address Delaware's Landscaping and Reforestation Act for mitigation/replacement of the 11.4 acres of forestlands impacted by construction and operation of the SDEIS Preferred Alternative. Consideration could be given to areas which would augment or expand established forested areas.</li> </ol> <p>EPA appreciates the FHW A and DelDOT's efforts of early coordination throughout the development of the SDEIS and looks forward to continued cooperation in the development of the Final Environmental Impact Statement.</p>
US DOI	Non-substantive comment	Letter	<p>The U.S. Department of the Interior (Department) has no comment at this time on the Supplemental DEIS and Section 4(f) Assessment for the US 113 North South Millsboro South Area Study, located in Sussex County, DE.</p> <p>Thank you for the opportunity to provide comments.</p>
<b>Public Comments</b>			
No Name (1)	<b>A.1</b> Safety and Evacuation  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	I feel for the safety of traffic the by-pass should end past the Mt Air plant.
Bill Wood	<b>B.1</b> In Favor of Preferred Alternative, SR 24	Comment Form	Looks great! I think it is well thought out and will have the least impact on land owners. Please, please, start as soon as possible. Thank all of you for your hard work to design this project! Get Err Done.



*US 113 North/South Study Millsboro-South Area*  
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Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	Connector, or US 113 Improvements		
Thomas E. Jansen	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I think that the 113 to 24 Bypass is an excellent idea to reduce traffic going thru Millsboro proper. PS. Please start this project soon!
Phoebe Cottingham	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	<p>The proposed changes are as good as can be expected. The people living in the town of Millsboro will have a benefit of less east-west traffic east of 113, but they will lose some of the local road access they are used to.</p> <p>Those seeking avoidance of the 24 and 113 intersection and congestion will be relieved as long as they are east of 113. Their access to 113 will divert them. Congestion on the old Route 24 East will continue of course. The county people sought to keep farmlands intact and avoid the East-West new roads proposed earlier. That opportunity, for the blue route and others north of Georgetown are now lost.</p> <p>Drivers will seek out other local roads and not be satisfied. It is how our predecessors sought to preserve their lifestyle, but it no longer accommodates the economic growth needed.</p>
Amy L. Willey	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	At Hollyville and Route 24, please install a turn lane to go right into Millsboro, as soon as possible.
Jean Marsiglia	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	Is it possible to create a wider road as the bypass. I think it will be overcrowded soon.
Kelly Skrzcel	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	I believe Zoar Rd. would be the better alternative for creating the bypass. It will not affect the school or the buses taking the children home to Millsboro. I understand they would have





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	<b>C.1</b> Property Taking, Property Values or Access Modification  <b>C.3</b> Community Facilities		to do some changes but, this way it is not going to interfere with Plantation Lakes Town Center. Even the employees at the chicken plant can take that way home.
Marge Strootman	Non-substantive comment	Comment Form	Please may I have a copy of the large maps on display at this meeting tonight. Thank you very much.
Nina Galerstein	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	(1) Please stop people from making a left turn into the nursing home parking from 24. There are 2 entrances – the westernmost one is closer to 113, and if someone can't turn into the lot they back up the traffic onto 113. In fact, it would be better if both Rt. 24 entrances were restricted during rush hours. People can still access parking from the nursing home entrance on 113. (2) Please get rid of on-street parking just in front of the post office. Make it a turning lane into the post office. This would also help congestion.
No name (10)	<b>A.1</b> Safety and Evacuation  <b>A.2</b> Traffic  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector	Comment Form	We feel that having 6 lanes running through Millsboro and changing back to 2 lanes at the road to Dagsboro would not solve any problems, but would in fact create a terrible bottleneck at that point. Tourists would tend to do a lot of lane switching once on the 3-lane section trying to get ahead of the cars beside them. Then they basically come to a standstill when the bottleneck appears – very possibly more accidents!  Also, since we live near the bridge on Horseshoe Dr. opening onto Rt 24, which is a route to the ferry, that all signage on Rt 113 but moved and changed to direct cars away from 24 and to the bypass instead.
Sharon and Robert Mills	Non-substantive comment	Comment Form	Please send copies of meeting minutes. Thank you
Leigh Riley	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	Bypass is needed – for sure – but not this. Having 4 lanes dump on 24 is crazy – already traffic issues in Longneck/Backbay – suggested bypass provides no relief for 24 west to south 113.  I think this is shortsighted – work needs to be done on 113/24 intersection, this will alleviate a lot of traffic if turn lanes are built.



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
Christine Lewis	<b>A.1</b> Safety and Evacuation  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>C.5</b> Business Impacts  <b>C.11</b> Construction Impacts	Comment Form	<p>I agree that the bypass needs to be 4 lane. Only 2 would be pointless.</p> <p>As for the 3 lanes through Millsboro – I disagree – as a business owner my customers rely on some of the crossover turns to get to my shop. Making them go to a light at a very large intersection would really complicate things. It will also be very dangerous for local people. The BJ's shopping center doesn't need 2 lights to access it.</p> <p>Also summer work needs to be considered and only night work. Thank you.</p>
Unhappy Citizen	<b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector	Comment Form	You do NOT want a 4-lane highway dumping onto a 2-lane highway. In regards to 24-bypass.
John Timmons	<b>C.11</b> Construction Impacts	Comment Form	Much of the concentration of poultry on farms is west of the current Mountaire poultry plant. If the entrance/exit is west on Route 24 and you have temporary construction delays between town of Millsboro and the processing plant on Route 24 and it's a hot humid day and a poultry live haul gets caught in traffic for an un-ordinary period of time, they will die because live haul trucks.
Terese J. Heniel	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	I don't see how this will impact the traffic thru the center of town or the traffic past Mountaire. I travel up and down Rt. 24 and have been in traffic from the chicken plant thru Millsboro. I believe widening Rt. 24 would help alleviate much of the traffic. I have witnessed many cars pushing the light at 113 and 24. Most cars seem to be going south on 113 and this improvement I don't see alleviating that problem.
Kalpesh Putel	<b>B.2</b> Opposed to the Preferred Alternative, US	Comment Form	As per map my option is not to do bypass, because of its effect on businesses in Millsboro Town.





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	113 Improvements, or SR 24 Connector  <b>C.5</b> Business Impacts		
Harry Sandy Moore	<b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>C.8</b> Water Resources	Comment Form	<p>I do not agree with the new East/West bypass routing from 113 to 24 around Millsboro. The previous plan starting at Stockley did not do as much damage to Millsboro Pond and its residents.</p> <p>The elimination of multiple crossovers in Millsboro is totally unacceptable. It is already difficult to cross 113 as it is now. The new plan is NOT in the interests of Millsboro.</p> <p>I am sick and tired of these decisions being made in the interests of people who don't live here, i.e., tourists, instead of the citizens of Sussex County.</p>
Billy and Katherine Webb	<b>C.1</b> Property Taking, Property Values or Access Modification	Comment Form	<p>We would like to meet with someone on our access dirt road. Part of our dirt road on Hollyville Rd. belongs to Mountaire Farms. On the second plans there was a state access road put in at Hollyville Rd. but on the new plans that road was taken out. If Mountaire does not allow us access we would have no way to our home once the other end of Washington St. Ext is closed off by the new road. Please give us a call to meet or talk on the phone.</p>
Ginny Sinylskins	<b>A.1</b> Safety and Evacuation	Comment Form	<p>The intersection at 113 and Rt. 20 is still a hazardous/dangerous intersection. For those of us coming from Dagsboro onto Rt. 113 the latest change is no better or worse than the previous solution.</p>
George Bendler	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	<p>The bypass proposed needs to be 4 lanes not 2 lanes. The bypass as planned will be behind the curve when finished. Cul-de-sacs will create congestion and major conflict point.</p>
Philip M. Drew	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24	Comment Form	<p>Suggest you reconsider an overpass or tunnel under 113 at the 24 intersection. With additional construction planned off of Rt. 24 west of 113 the stoplight that is currently (and future) will not be able to handle the traffic. The main priority should be to keep 113 traffic moving.</p>



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	Connector, or US 113 Improvements  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative		Believe you have done a great job of dealing with Rt 24 traffic bypassing town with exit and entry to 113 north of town.
Mike Wolanski	Non-substantive comment	Comment Form	The man that helped me was named Jeff, he could not have been more helpful. He was very informative and polite.
Tyniece Norwood	<b>A.2</b> Traffic	Comment Form	I still believe the light on the bypass and Hollyville Road will back up traffic further east of the bypass. The traffic from east to west on 24 is backed up from Millsboro past the poultry plant. This light will back the traffic up further.  I was told during the meeting that a light will soon be put on 24 and Jersey Road. This light should help determine if this will be an issue when the bypass is built.
Elbert Golde	<b>A.2</b> Traffic  <b>B.6</b> Suggestions Outside Scope of Study	Comment Form	I've lived here for thirty years and have seen the Town of Millsboro go from almost no traffic to the mess that we have today. I agree that improvement is long overdue, but relieving the traffic coming south on 113 will help but from what I've seen that is at most only 20% of the traffic through town and does not address the north-south congestion.  P.S., Also concerned about east-west road from 404 to Rt 1.
Linda and Tom Massari	<b>C.6</b> Noise	Comment Form	Please send all information (pictures and comments) to us.  My concern is that there will be increased truck activity close to my home causing noise that will interfere with daily living. I do not see that moving the bypass is the best solution.
Jacqueline Decker	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.6</b> Suggestions Outside Scope of Study	Comment Form	Eliminate parking in front of post office. Make it a turn lane. Make developments upgrade roads in order to develop.





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
Larry Gum	<b>A.1</b> Safety and Evacuation  <b>A.2</b> Traffic  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	(1) Limiting access to Rt. 113. Leave Houston, Monroe, and Warton St. open. (2) Leave crossover at Old Landing Rd open. (3) Expand intersection Rt. 24 and Rt. 113. Turn lanes widened for traffic turning. (4) Leave JJ Williams Highway open east travel from Hollyville Rd – One Way (5) Close crossroad at Autozone. Unsafe. (6) Forget 3 lanes Rt. 113 thru Millsboro. Only 2 lanes north and south of town. No benefit!
No Name (29)	<b>A.1</b> Safety and Evacuation  <b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector	Comment Form	I think that this is the best route yet. I go through Hollyville Rd. every day, the new bypass will make that intersection a lot safer I hope. I do not think a 3 lane Rt. 113 is a plus, a lot of beach traffic is now going through Millsboro via Iron Branch Rd. which makes more bottle neck in town.
John Hall	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	(1) The off-ramp for Rt. 30 do away traffic, on Rt. 30 is backed up past boat ramp every morning. (2) Need end of bypass east of Mountaire but have turn off for Mountaire on Maryland Camp. (3) Need turn Jersey Rd toward Rt. 30 red light.



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Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
John H. Parker	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>B.4</b> Project Phasing	Comment Form	#1 – 24 Connector needs/must be 4 lane (Divided Hwy). #2 – 24 Connector must bypass Mountaire. #3 – 6 Lane through Millsboro not so good. #4 – Instead of 6 lane – have 24 Connector cross Indian River/connect with Rt 26/continue back to 113 around Frankford area. #5 – Complete 24 connector past Mountaire first.
No Name (33)	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector	Comment Form	Proceed with the bypass as is. Possibly extending it past Mountaire. Leave 113 alone. 113 works. Look into a road on the west side of 113 that connects 24 on the west side to the bypass. Putting the bypass in does not resolve the traffic going into town. Because I live on the 24 on the west side and it's hard to get on 24 in the morning. And in the evening I park onto 24 past Mountaire trying to get home.
Jim Parker	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>B.4</b> Project Phasing	Comment Form	Need to keep Monroe Street open to access Rt. #113 Own/operate car wash at corner of Monroe and Rt. #113 Bypass should be 4 lanes. Look to the future. Don't need 6-lane highway thru town. Do bypass first see how traffic flows before doing work on Rt. #113.





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Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
Thomas J. Sullivan Jr.	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	Hurry – Hurry – start right now!
Mike Salagy and Mary Ann Clayton	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	<p>This proposal is much more sensible and less impactful to existing properties than the originals. Based on our experience as Millsboro residents for 6 years, we believe this plan will help with traffic through town and our hope is that it will lessen truck traffic on Gravel Hill Road which has increased dramatically in our time here.</p> <p>Another consideration is the possibility of a traffic signal at the intersection of routes 24 and 30.</p> <p>Overall, we approve of this revised plan. Best of luck.</p>
No name (37)	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	The project looks very good to me. Maybe another overpass at the stoplight or stoplight would be helpful also.
Dick Martin	<b>C.1</b> Property Taking, Property Values or Access Modification	Comment Form	Will you please mail a copy of the map that was on display this evening. My property appears to be impacted by your proposal. Thanks.
No name (39)	<b>C.11</b> Construction Impacts	Comment Form	I feel that there should be a truck lane during construction for trucks carrying live chickens to Mountaire. It was pointed out in the meeting that, in the summer, the livestock would not survive the heat if stuck in a traffic jam.



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
Deborah Lingo and Clarence N. Lingo Jr.	<b>A.1</b> Safety and Evacuation  <b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I work at Mountaire and live west of Millsboro, and very much hope to see the bypass built ASAP!! Leaving work tonight at 5:20 pm, typical weekday, traffic was stopped in front of Mountaire. I turned onto Maryland Camp Rd. and drove halfway to Georgetown to get home faster. In other words – faster to drive those 20 miles rather than 4 miles thru town. It is ridiculously congested. It has gotten to the point that this traffic adversely impacts our quality of life. I have a neighbor who just listed his house in order to move away from this congestion. My opinion is that this needs to happen as fast as possible! Meanwhile, I hope no one believes that Rt. 24 can be considered an evacuation route! We saw horrible traffic when just inlet bridge closed!
Bob Phillips	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.5</b> Design Questions	Comment Form	Concerned about where the traffic ends at Mountaire. Are they going to make three lanes like they have on Rt. 26 thru Clarksville to Bethany. It will alleviate the turn traffic.
John and Susan Parker	<b>B.6</b> Suggestions Outside Scope of Study	Comment Form	On Rt. 24 through Millsboro, suggest signage limiting trucks over a certain weight. They should be redirected to the bypass. Actually, these signs should be posted prior to Rt. 24.
Duane Whitman	<b>A.2</b> Traffic	Comment Form	The left turn signal from 113 to Hardscrabble Rd. headed west to Seaford. It is not timed correctly. When it does turn the time is very short. You often have to wait for 2 cycles to make the turn. You also have to wait a long time when no traffic is traveling on 113. This makes motorists waste gas waiting and creates an atmosphere of impatience. You see people taking chances to get through the intersection. It has been this way for years. I drive it every day.
Michael Dorosz	Non-substantive comment	Comment Form	Copies of all materials at this hearing, thank you for your help.
Allen Bal	<b>A.2</b> Traffic  <b>B.6</b> Suggestions Outside Scope of Study	Comment Form	To run signs going to the beach should go down to 113 and Main St. in Dagsboro at Royal Farms at Clayton St. to help eliminate some of the beach traffic to keep some traffic to stay off Rt. 20 from Millsboro to Dagsboro where it 25 mph.





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
Douglas Fields	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>C.1</b> Property Taking, Property Values or Access Modification	Comment Form	I agree that a bypass around Millsboro is needed. This looks like a good plan – except for the full interchange at 113 and Rt. 20. I think a plan that consumes less real estate is possible.
Alice G. Betts	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	Sounds good (but I have been here Millsboro many years) and heard all the talk. So let's stop talking and get to work. Looks good just get it done now.
Kevin Betts	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	Love it! The current design is perfect. Let's get started!
Jesse Walter	<b>B.5</b> Design Questions	Comment Form	Project reroutes traffic from DE 24 to DE 20 east. Many users may wish to continue east on 24. What provisions are made to permit travel from 20-24 – (Sheep Pen Rd. to Godwin School?)
No Name (51)	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	I just cannot understand why we cannot use what we already have. We have a perfect solution and that is build an overpass on top of 113 with no traffic lights and keep the flow going for the ones who is traveling straight through. Traffic lights just builds up traffic and the flow is stopped. Yes it is expensive but what are we doing now. Dupont had built this highway from north to south as a way to get through and we have stopped the flow by adding lanes and traffic lights. We needed to do this as the years went by to grow our town but now we need the overpass with no traffic lights (expressway). We don't have to give up any land and the environment will not be damaged because we will be building up on top of what we already have. Building up using air space instead of out. More room up than out.



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Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
Kenneth Allen Baker	<b>B.6</b> Suggestions Outside Scope of Study	Comment Form	My concern is to the Town of Dagsboro where Bunting Road enters 26 into the Town of Dagsboro when as [??] of beach traffic comes thru we cannot get out of Piney Neck Rd. Route 26 in town at bottom of hill in Dagsboro should extend out to 113 keeping the beach traffic out of town. You propose to run 3 lanes into Dagsboro which is one lane each way and 25 mph the next bottleneck will be in Dagsboro in town.
No Name (53)	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>C.3</b> Community Facilities	Comment Form	By creating the bypass you will be adding extra travel on secondary roads, especially when considering school bus routes in this area. You should reinforce those secondary roads to withstand that extra traffic.
Dan Healey	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	Look at 3 lanes on the bypass as opposed to 2. Get going on the project, big signs! And good police enforcement because there will be congestion at Mountaire as they have doubled their production and pollution. It smells every day now!
Gerard Linkerhof	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I think the plans for Rt. 113 in Millsboro is great. I give it a thumbs up.
No name (56)	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I cross 113 and use Delaware Ave to go to work and use Wharton St. to cross 113 to return home. It would not be a hardship to use the light at Wawa but on the occasions that I do there is usually a backup of traffic. Please do not make a 6 lane highway and make traffic worse. That is of no benefit to the residents of Millsboro. Also limited access will hurt the





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Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	<b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>C.5</b> Business Impacts		businesses along 113. Also, I hope you will consider moving forward with the bypass to help eliminate some of the traffic through town. Thank you.
Kim Hudson	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	The proposed east route to Rt. 24 is a relief route for Millsboro, why take all the east bound traffic thru this route and outlet them into a 40 mph industrial zone through the Mountaire chicken plant. This to me spells more congestion in this area of Rt. 24. Why not continue the route east running north of the Mountaire complex and then outlet to Route 24 about or near Warwick. Provide a light to exit to Mountaire. This east outlet is still not good for congestion relief. Still seems like a glorified driveway from Rt. 113, Rt. 30 for Mountaire Farms, like I commented at the previous meeting. Your report, as reported to WBOC that it will outlet east of Mountaire, this is not as the map shows, you should air a correction.
Teresa Derrickson	<b>A.1</b> Safety and Evacuation  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.4</b> Project Phasing	Comment Form	This is the best product I have seen to date on this project. I strongly suggest the northern bypass be the first leg of the construction process. There is dire need for this bypass. Rerouting truck traffic north and east of Millsboro will provide safety (Rt. 30 and Rt. 24 intersection VERY dangerous for trucks) and ease traffic flow through and around Millsboro. We would appreciate a copy of the large table map to display for our association members. We are the State Trucking Association and we feel that the input from our members will be quite valuable. Thank you.
Robert McKee	<b>A.1</b> Safety and Evacuation  <b>A.2. Traffic</b>  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I have reviewed the referenced study and offer the following comments/questions:  -if permission is granted to proceed, what is the estimated start date and estimated completion of the project? -what are the proposed hours of work? Obviously we would like to see non peak season construction and as much night construction as possible to minimize the impact on local traffic. -we should request/demand that once the new bypass is open, trucks should be restricted to utilize the new route only and not the existing route thru the center of the town of



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	<p><b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative</p> <p><b>B.4</b> Project Phasing</p> <p><b>B.5</b> Design Questions</p> <p><b>C.1</b> Property Taking, Property Values or Access Modification</p> <p><b>C.2</b> Land use/Livability</p> <p><b>C.5</b> Business Impacts</p> <p><b>C.6</b> Noise</p> <p><b>C.11</b> Construction Impacts</p>		<p>Millsboro, this would result in an overall nicer, safer, and cleaner environment for Millsboro businesses and their patrons.</p> <p>-does the Town of Millsboro have a development plan/vision for the center of town looking out to the year 2040? FYI, this study notes and references traffic volumes thru 2040, would be prudent to identify potential concerns now.</p> <p>-The study included a traffic crash analysis, it may be helpful if the DOT can provide more detailed analysis to better determine the predominant cause of the crashes: day versus night; local vs out of state vehicle operators; % of trucks involved as well as the % of trucks vs overall vehicular traffic; % of DUIs; wet or dry roadways; width of travel lanes; has anyone looked at roadway signage, lighting conditions and roadway line striping to determine whether it is adequate? There was a comparison made between crashes in this corridor vs other similar roads in Delaware, do the other roads have the same or comparable lane widths, speed limits, intersections, % of truck traffic, etc.? Lastly, do any of our Law Enforcement agencies conduct commercial vehicle inspections CVI of trucks that travel the subject corridor? How else then can you determine whether these trucks are roadworthy?</p> <p>-The study did not look at the current or projected level of service LOS into the year 2040 on route 24 east of the town of Millsboro. It would be helpful to estimate/project when this route may become the limiting factor which may negate the benefit of the bypass. Is there physical capacity potential to widen route 24 from the current 2 lanes to 4 lanes?</p> <p>-what is the current posted speed on the travel corridor vs the proposed speed limit for the new/widened roadway?</p> <p>-The study notes that travel times for emergency vehicles during actual emergencies, especially during peak summer months, has resulted in lengthy delays. Before proceeding with any bypass construction which may further delay emergency vehicle response times, serious consideration should be given to the construction of a satellite emergency medical services EMS station on route 24 adjacent to the Plantation Lakes development.</p> <p>-The study references a new two-lane connector that will tie into a realigned segment of SR 20 at Hardscrabble Road. What will be the proposed speed limit on the resulting cloverleaf</p>





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>roadway design and what is the potential noise level from truck traffic as they downshift to negotiate these newly created curved roadways.</p> <p>-Will the bypass cause any economic impact to the businesses in the town of Millsboro due to a resulting lower level of traffic?</p> <p>-The Plantation Lakes community proposed commercial/retail center (Town Center) located at route 113 and Hardscrabble Road stands to 16.6 acres to the development of the bypass, how will this impact the viability of a future proposed PL Town Center?</p> <p>Overall I believe that the proposed bypass project will benefit the residents of Millsboro as well as the adjacent surrounding communities. However, it is critical that the project is staged and constructed appropriately to minimize traffic impact during the duration of the effort. Unfortunately I will not be able to attend the February 7 meeting with DelDOT and FHWA, please kindly submit this issues on my behalf.</p>
No name (61)	<p><b>A.1</b> Safety and Evacuation</p> <p><b>A.2</b> Traffic</p> <p><b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements</p> <p><b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector</p>	Comment Form	<p>I am in favor of anything that gets some traffic off of ANY portion of 24. I think a bypass that gives people an option to get from 24 to 113 without going through downtown Millsboro is fantastic.</p> <p>I do NOT agree with widening 113 as it will reduce the chances people will have to cross the highway and I can only imagine that having the third lane for only a short stretch is going to increase the traffic at stop lights and increase the number of fender benders and sideswipes where the third lane will end and merge back to two. Drivers have no patience and no ability to merge or yield on a good day and I shudder to think what that will look like when beach traffic is high. Especially considering how terrible tourists drive in this area.</p>
No name (62)	<p><b>A.2</b> Traffic</p> <p><b>B.1</b> In Favor of Preferred Alternative, SR 24</p>	Comment Form	<p>New bypass plan seems to make sense for the future. Concerned about adding a traffic light near Rt. 30. Hopefully streamline the process so work can begin sooner rather than later.</p>



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Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	Connector, or US 113 Improvements		
Gary L. Marsiglia	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I think the project is a good one and support it 100%. Between now and when the project is started it would be good to see better continuity with the traffic flow in routing the traffic both north and south on 113.
No name (64)	<b>B.7</b> Funding <b>C.11</b> Construction Impacts	Comment Form	How will this be funded? How long are delays/closures expected to last while working on Rt. 113 (adding 3 <sup>rd</sup> lane)?
Gail Reifsnnyder	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I am for 24 bypass as soon as possible.
Joyce E. Logan	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative <b>B.6</b> Suggestions Outside Scope of Study	Comment Form	I think without doing something more on 24 E past Mountaire, there will still be a traffic problem. Further there is more farmland and there is now constant construction. Truly I think the bypass is also needed. And to put 6 lanes on Rt 113 would be good, but local born Delawares will have a problem, it may be better to build a new [???] lane adjacent to Rt. 113.
Timothy Henn	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative <b>B.6</b> Suggestions Outside Scope of Study	Comment Form	Please reconsider making the bridges along the Rt. 24 bypass 4 lanes wide, even if the road at this time is only 2 lanes, so you don't have to come back in a few years to redo it.  Also consider paving both sides of Washington Street Ext. after they have been split by the extension.  After this project is done, will the current bridge over Millsboro Pond (Rt. 24) be repaired?





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Robert and Sue Palmer	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	Only comment – needed sooner than later. Approve of design as shown on plans.
John Hein	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Comment Form	I think this is a much need project. It is an excellent alternative to the original bypass plans. I think this would also benefit the local businesses along Rt. 24 in Millsboro, this will allow people to want to shop and dine within the town. Having just spent 30 minutes sitting in traffic on Rt. 24, I can see why people would avoid coming downtown. This will also minimize truck traffic in town.
Allan Benke	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	Where the proposed bypass ends before Mountaire Plant is wrong. I've commented before the bypass needs to extend past Mountaire. This will eliminate the bottleneck at the plant.
Linda M. Rust	Non-substantive comment	Comment Form	Please send a copy of the current Millsboro bypass 113 map.
David Potter	<b>A.1</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>C.9</b> Vegetation, Wildlife and RTE Species	Comment Form	<p>I am against the path (route) of the connector/by-pass road from Route 24 to Route 113 for the above mentioned area, but not the two lane only connector/by-pass proposal itself. It should be moved further north with its crossing of Route 30 (Gravel Hill Rd.) just south of Doc Frame Rd. through the fields using causeways over the wetlands of Cow Bridge Branch area. Please see "Concerned Citizens Proposed Alternative Route" map attached.</p> <p>Large intersection improvements on Route 113 in Millsboro and vicinity should be completed especially at Route 24 and route 20 with property being purchased as needed for the improvements.</p> <p>I am against the total closing of the section of Route 24 in vicinity of Hollyville Rd. and Jersey Rd. intersection on the northeast side of Millsboro, as this closing would force much more traffic on the unimproved Gravel Hill Rd.</p> <p>See additional comments on page attached.</p> <p>I am NOT in favor of this latest proposal for the following reasons:</p>



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			<ol style="list-style-type: none"> <li>1. The new connector route from US 113 to SR 24 requires two (2) bridges across Millsboro Pond. If a connector route is necessary, I would like to see a causeway across Cow Bridge Branch going through Doe Bridge Nature Preserve and crossing SR 30 (Gravel Hill Road) in the fields just south of the intersection of Doc Frame Road and SR30. The Nature Preserve and Sweet Water Point both contain the same fragile flora and fauna species. I truly hate to see this pristine nature area disrupted by either a development or a road. This is an area that is enjoyed by many as they canoe, kayak, fish, etc. on Millsboro Pond, and once it is destroyed, there's no going back.</li> <li>2. It is necessary to move "beach traffic" through Millsboro, but needs to be done in a way that does not harm local businesses and residences. Perhaps an elevated highway should be considered for beach traffic for the Millsboro area with limited access to businesses on US 113 from the elevated highway.</li> </ol> <p>I am very pleased that the original Blue Alternative Route is no longer being considered.</p>
Michael Potter	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Comment Form	<ol style="list-style-type: none"> <li>1. The right-turn lane on Rt. 24 coming from downtown is a necessary and welcome improvement. This improvement is also desperately needed on Rt. 24 on the west side of 113 for eastbound traffic. Additionally, the Wawa desperately needs its own dedicated turn lane from Rt. 24, as traffic turning into Wawa frequently backs up westbound traffic into Rt. 113. The following layout is what is needed for Rt. 24 west of Rt. 113. [includes illustration of lane configuration]</li> <li>2. A "left-in" is necessary for southbound 113 traffic to turn onto Old Landing Rd. The current crossing is heavily used. Eliminating this crossing would put an excessive burden on the crossing at Radish Rd.</li> <li>3. Make Whartons Street and Houston Street dead-ends into right-in/right-outs.</li> </ol>
Joyce E. Logan	<b>A.1</b> Safety and Evacuation  <b>A.2</b> Traffic	Public Testimony	<p>First, I would like to just thank you for letting me speak. I don't -- the first thing, I couldn't see why not a bypass from Milford to Maryland to get rid of this traffic.</p> <p>And secondly, since I am a mile and a half east of Mountaire, and where I was looking at your maps -- and thanks to Terry for helping me through with a lot of it -- I see -- I like the idea of relieving the congestion, but I see congestion still at the end where I am. And I</p>





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	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative		<p>would like for that to get relieved as well.</p> <p>And another thing: The dual – the triple -- the three lanes would be nice. But for thinking back for local Delawareans, a lot of them did not go to Route 1 because of that three-lane highway.</p> <p>Now, I'm used to driving in New York and New Jersey and Delaware and Maryland traffic on three highways, three lanes. But if you take a lot of local Delawareans that's been here a long time, they had to get used to the dual highway, from single to dual, I think that you are putting them in a place where it's an accident ready to happen. I really do.</p> <p>I don't think that they can handle that three-lane, because on Route 1 we all know it's crazy out there, and you got to be crazy to drive with them. And I can be as crazy as they can, and I can drive with them. But I still think it's a problem with this area -- with Delaware altogether to have a three-lane.</p> <p>I think that you should go west on 113 between that -- you have a lot of vacant property through there. I think that you could use that vacant property, put up a dual highway. And I think it would be less cost effective, because you would not be stepping on people's property.</p> <p>You have plain -- you just have Delaware -- the state has property. Why not use their property instead of getting residents' and commercial residents' properties. And I think this would help to relieve a lot of problems.</p> <p>I mean, those are just a few of my suggestions. I have a lot more. But, like I said, I think that this is one of the best ways to help to relieve this situation.</p> <p>Three lanes for 113 is good, but it's dangerous for a lot of Delawareans. I really think that. And that's all I have to say. Thank you.</p>
Marge Strootman	<b>A.1</b> Safety and Evacuation	Public Testimony	<p>Good evening. I have a house on Route 30 directly opposite of -- on the pond directly opposite of where the bridge is going to come from that point in the pond. And it's going to</p>



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	<b>A.2</b> Traffic  <b>C.1</b> Property Taking, Property Values or Access Modification		<p>be within very -- it looks like it's under the bridge.</p> <p>And, of course, I have a daughter who lives with me who is disabled. And I would not have to think that I would have to start something as far as moving and whatever at now, because I am approaching 80 in another month. And so it's not something I wanted to do at this time of my life. But it looks like it's going to be put upon us, and we are going to have to deal with it.</p> <p>I can see the need for the highway. There is no doubt about that. But I just think it's just the beginning of the tip of the iceberg to correct the whole problem, because it's making areas that make it quicker to get to a bottleneck beyond the, um -- where, you know, the congestion is.</p> <p>So I don't see where it's going to solve a big problem as far as getting people to the beach quickly and without problems. But I see it as -- I can't imagine what is going to happen when a storm comes and everybody is blocked in with flooded areas in their community. Where are they going to go? How are they going to get out?</p> <p>I mean, I have no problem. I'm on Route 30. In 28 minutes, I can be in Milford on Route 1. But I don't know. It just seems like there is something that is not going to go too smoothly.</p> <p>So I'm for it in a way that I can understand the people who, you know, see the need for it, but I think it might create a lot more problems.</p>
Larry Gum	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.2</b> Opposed to the Preferred Alternative, US	Public Testimony	<p>Yes. My name is Larry Gum. I live in Millsboro. I have been a member of the Millsboro Council and a member of the Millsboro Fire Department. I'm not speaking for them, but myself.</p> <p>Millsboro brings a unique area to get by, the head of the Indian River and all the ponds, so it's a challenge to get this done.</p> <p>My number one suggestion would be let's break this up into segments. Let's get the bypass done first and forget the 113 until we get this bypass done. It's been over ten years, and we</p>





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	<p>113 Improvements, or SR 24 Connector</p> <p><b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative</p>		<p>have got nowhere but paper.</p> <p>As far as a three lanes through Millsboro, I think you are just going to put a high-speed access through the middle of town with three lanes. I'm against the three lanes.</p> <p>The closings at Monroe, Houston, and Wharton offer no benefit, but they limit all the access and push it towards the light at 24, which is overwhelmed at this point in time.</p> <p>The crossover at Old Landing Road, which a lot of people travel down to get along the back roads, needs to be left alone.</p> <p>The intersections at 24 and 113, we need turn lanes. The traffic backs up because people are trying to turn, but they can't get to the turn lane, because there's only two lanes that go across, and traffic crisscrosses itself. It should go one side and then the other. It's a very unsafe condition.</p> <p>On the other side of town where the bypass, you already have a road existing that goes through Mountaire. And they are showing doing away with it to go out on the bypass. Why don't you just leave it one way and the Mountaire, let it merge in. A road exists, and it costs nothing to leave it.</p> <p>The crossover where you go in in front of Auto Zone, when you go back in that area, that is a disaster. There is hardly room for one car. And I have seen four cars in that crossover. It needs to be closed.</p> <p>So back to that, my biggest thing I would say is leave it two lanes through Millsboro but get the bypass done. And I have never heard a projected start date. I would love to hear that, too. Thank you for your time.</p>
Jim Higgins	<b>C.1</b> Property Taking, Property Values or Access Modification	Public Testimony	<p>My name is Jim Higgins. I'm an attorney with Young Conaway. And I'm here this evening on behalf of Diagem and Lenscraft Commercial. We are the owners of the – I apologize. I am here on behalf of Diagem and Lenscraft Commercial. We are the owners of the Plantation Lakes community.</p>



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			<p>They are not, as a general matter, opposed to this other than that, as the councilman noted, the devil is always in the detail in these things.</p> <p>And while the councilman encouraged us to get past the details, some of the unfortunate details here are that the homeowners in the Plantation Lakes community are losing a substantial portion of what they bought into because this cloverleaf, as I understand it, is going to take up a large chunk of the Town Center property that was to be developed.</p> <p>And as a result of that, the value of the entire commercially zoned portion of the property is going to be devastated, and the plans will not be able to go forward.</p> <p>So while my clients are not opposing what's being proposed, they did ask that I put on record that we will be doing everything in our power to ensure that they are adequately compensated by the state. Thank you.</p>
Rich Collins	<p><b>A.2</b> Traffic</p> <p><b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements</p> <p><b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative</p>	Public Testimony	<p>Thank you. Well, I am your state representative here for this area, and my job is to represent everyone. Of course, we have varying opinions on everything.</p> <p>So it is an incredibly difficult job. You know how it happened a few years ago with the Blue Route and the unbelievable crowds and anger that came with that. Fortunately, we don't seem to have that now.</p> <p>I think, in general, I think there are very few people that don't think that we have dramatic problems with traffic. But the scary part to me is that it's magnifying every year. Shoot, it wasn't just long ago I was actually in a traffic jam on 113 in the dead of winter, which a few years ago just would have never happened.</p> <p>So I think the handwriting is on the wall. We have to do something. I was totally opposed to the Blue Route a few years back, but I think this is a fairly reasonable compromise.</p> <p>Having said that, I would invite any of you, whether you live in the district or not, if you have a concern, feel free to contact me. Because one thing I'm pretty confident of, the folks at DelDOT have made it very, very clear they are flexible, that this is not the final plan; this is simply something -- and correct me if I'm wrong, please -- that this is a -- they have to get</p>





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			<p>this done for the environmental requirements of the federal government. And once this is done, they can still do a tremendous amount of fine tuning.</p> <p>And one thing I will tell you I've heard, I think more than anything else, is this concept of not cutting off all the access points across 113. And I, personally, I think that's vital. And I will be working with DelDOT to see that that's not done or that, you know, to see that we still have ways to get across that highway without being forced into just the traffic jams in the summertime.</p> <p>As far as anything else, I've heard lots of good suggestions. I know the last time we had this meeting, which was what, a year or two ago, there were suggestions made by people at that meeting that absolutely are on this map now. So that proves to me they are responsive and are willing to work with us.</p> <p>I don't know more that I can say. My e-mail address, if anyone wants to write it down, it's very simple, r.collins -- and you need to use R, because if you use Richard Collins, you're are going to get somebody in the State Police. But it's r.collins@state.de.us, like all other state e-mail addresses. Or if you want to call me, 381-1610.</p> <p>If you have got something that you can draw and put on an e-mail, that's great. I can forward it right to DelDOT. And I will definitely be working with them as we head down the highway to, hopefully, something that's much better than what we have today. Thank you.</p>
John Timmons	<b>C.11</b> Construction Impacts	Public Testimony	<p>My name is John Timmons. And I live in Millsboro. And when I was younger, my mother and father, they were poultry farmers and grain farmers.</p> <p>But one thing I was concerned about is that, as you know, a live haul truck does not have the waters on a live haul truck. And what I would be -- I put here that if the construction of a poultry -- or if the construction of a road is west of the current Mountaire poultry plant, and if the entrance or exit is west of Route 24 and you have temporary construction delays between the town of Millsboro and the processing plant on Route 24, on a hot, humid day and a poultry live haul gets caught in the traffic an unordinary period of time, they will die. They will die. Okay? So what the State is going to have to think about is bird rights, animal rights. So that's all I got to say.</p>



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Bob Ricker	<b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.4</b> Project Phasing	Private Testimony	<p>The first comment would be for them to reconsider leaving some of the smaller streets that access 113, instead of making them cul-de-sacs, make them right in and right out, such as Wharton Street, Monroe Street and Houston Street.</p> <p>The other would be to improve the western side of the intersection of 24 and 113. For traffic that is traveling westbound, and they want to turn into Wawa, it backs up all the traffic through the intersection. They need to widen that to put a lane in to be able to get around that traffic.</p> <p>Conversely, coming eastbound to be able to turn south onto 113, there's not enough of a turn lane there. If there are two cars sitting at the intersection, then no one can get around them to turn southbound.</p> <p>They need to reconsider closing the Old Landing Road crossover. It is heavily traveled by parents taking their children to East Millsboro Elementary every single morning, and it is heavily traveled by employees of Merck that are out on the other side of Millsboro. If they close that, they will be putting a tremendous burden downtown.</p> <p>They may want to reconsider the section of Route 24 that they're going to be closing from Mountaire to Jersey Road. They may want to leave that open, specifically for emergency vehicles being able to have a straighter shot out to – emergencies in the area of Mountaire or east of Mountaire.</p> <p>They need to consider, and I know it's money wise, making the bypass four lanes instead of just two. And taking the bypass out past Mountaire, in other words, taking it east of Mountaire instead of having it stop west of Mountaire.</p> <p>And I would like them to consider doing this in phases with a gap in between the phases to perform Traffic Impact Studies after the first phase is done.</p> <p>I think the first phase they need to look at is building the bypass, doing some widening improvements at the intersection of Route 24 and 113. And then getting that project done, giving it 18 months for the traveling public to establish their traveling patterns and whatnot.</p>





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			And then do a Traffic Impact Study to see just exactly how much traffic was routed from in the middle of town, and study the accidents and the traveling issues that happen after they build the bypass and fix the intersection of 24. And then, they can move forward, if it needs to be, then they can move forward with putting in the additional lanes and closing crossovers and whatnot.
Bob Ricker	<b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.4</b> Project Phasing  <b>C.3</b> Community Facilities	Email	<ol style="list-style-type: none"> <li>1. Don't close feeder streets fronting on 113 Wharton, Monroe &amp; Houston. Make them right in / right out.             <ol style="list-style-type: none"> <li>a. These smaller streets are needed by residents to access 113 without crowding RT 24.</li> <li>b. Emergency equipment needs alternative routes when accidents jam-up 113. These smaller streets have been used several times this year for that exact purpose.</li> </ol> </li> <li>2. Widen 24 by adding turn lanes on the west side of 113 ITAO Wawa.             <ol style="list-style-type: none"> <li>a. Turning traffic into Wawa causes traffic to block N&amp;S bound 113.</li> <li>b. Eastbound vehicles cannot turn right/South onto 113 if there are two or more cars waiting for the light to change</li> </ol> </li> <li>3. Consider leaving Rt 24 from Maryland Camp rd to Jersey road intact for emergency vehicle to access east of Mountaire without getting on the bypass.</li> <li>4. Consider extending the bypass east of Mountaire</li> <li>5. <b>PLEASE</b> consider improving the 24 intersection as described above, building the bypass and allow 18-24 months for the travelling public to establish travelling patterns then perform a TIS to re-evaluate if improvements are still necessary on 113.</li> <li>6. Please don't close the Old Landing crossover. It is an extremely important route to East Millsboro Elementary School and a large employer Merck. By closing Old Landing crossover it would add several hundred TPD to Washington &amp; State Streets which are already over-crowded, particularly the intersection at Wash. &amp; State.</li> </ol>



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Rich Collins	<b>A.2</b> Traffic  <b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative	Email	<p>Secretary Cohen,</p> <p>In general, I favor most of the proposal for the Rt. 24 bypass and the 113 widening. However, I am absolutely opposed to closing most or all of the side streets with cul-de-sacs.</p> <p>At the very least, the right turn options should remain with the opportunity to do a U-turn in a reasonable distance. There also has to be some way to cross 113 north of 24 without being forced into the major intersections that are routinely jammed up during much of the day in the tourist season and during work travel times.</p> <p>Some of my major frustrations occur during off-peak hours. I often sit at some arbitrarily long red light with little or no traffic in sight. The timing of lights should be different during peak and off-peak times and seasons.</p>
Denise M. Weber	<b>A.1</b> Safety and Evacuation  <b>B.2</b> Opposed to the Preferred Alternative, US 113 Improvements, or SR 24 Connector  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>C.1</b> Property Taking, Property Values or Access Modification  <b>C.2</b> Land Use/Livability	Email	<p>I want to comment about the SDEIS Preferred Alternative SR 24 Connector Ramp coming off of US 113 Southbound Bridge over Fox Run Road and Norfolk Southern Bridge going on to connect back to SR 24 near Mountaire Corporation.</p> <p>The Supplemental Draft Environmental Impact Statement (SDEIS) for US 113 North/South Study-Millsboro-South Area on the SDEIS Preferred Alternative on map page 3 of 11 is showing a bridge over Fox Run Road and if you look at the map you will see my unimproved land, which is facing Fox Run Road, it is the second Agriculturally Zoned acre south of the bridge overpass. Now, my property is Sussex County Tax ID #1-33 16.00 7.03 and by the map scale an estimate of 200 to 300 feet from the Limits of Disturbance Ramp Build-up Area for the ramps to rise for bridge height.</p> <p>How is the zoning for this SR 24 Connector Ramp within building codes and roadway construction zoning for residential safety and residential healthy impacts to wells with hazard materials coming from the construction process, which will be 5 to 7 years to completion and the hazard waste materials that will be coming from the Indian River Power Plant, Mountaire Corporation, and Vlastic Foods Facility hauling trucks coming back and forth on this new roadway? I read the information in the SDEIS concerning the impacts on residential and other property stakeholders in the statement.</p>





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	<b>C.3</b> Community Facilities  <b>C.4</b> Aesthetics  <b>C.5</b> Business Impacts  <b>C.6</b> Noise  <b>C.7</b> Hazardous Materials  <b>C.8</b> Water Resources  <b>C.9</b> Vegetation, Wildlife, and RTE Species		<p>I am in favor of the No-build Alternative/Oppose Project. In my opinion after reading the SDEIS, in solving the traffic and congestion problem for SR 24 and US 113 roadways, it was based on a bias study and research needs to have a blind or placebo to compare both traffic times and seasons, during summer peak hours and non-summer peak hours and publish these for stakeholders to have both sides of the research for truth and accuracy. How can the stakeholders and government agencies make a decision with such impact on the environment and lives of the people who have to live in this area for 365 days a year, compared to those who come to visit for tourist attractions and seasonal use of residency?</p> <p>Your study was incomplete and produced no outcomes for spending our tax payer dollars, which will be spent for building those unattractive and environmentally questionable roadways for potentially “summer peak hours.” I also noticed that most of the accidents at intersections with lights were rear-end collisions. Well, this particular accident position happens mainly due to distraction and “inpatient following too close driving.” This kind of driving is happening all over the United States (US) due to cell phone use and irresponsible driving actions, not to congestion because congestion happens all over this US at peak hours of a day on many kinds of roadways.</p> <p>Furthermore, the environmental consequences as stated in the SDEIS <b>would have minimal adverse impacts to residential communities</b> and I ask based on who and what? The stakeholders impacted and the environment consequences, which once this roadway construction begins, there will be no turning back to life in “Slower Lower Delaware” as known to many people. I read in the part of 3.3.1 Traffic and Transportation that SDEIS would improve travel patterns for vehicles, trucks, and buses by decreasing traffic and reducing congestion along US 113 and surrounding roadways. Most people who live in Sussex County use the back roads and have been using the back roads for years. At least, when I lived in Sussex County and also when visiting my family and friends in Delaware. Actually, the residents prefer to use the back roads more than the main US highways and based on this statement, then who will benefit from the new roadways construction? Some of the new roadways will cause loss to businesses in the town and Millsboro may potentially lose business income from visitors and tourist not traveling through town. Neighborhood cohesion would be impacted by a roadway placed in the rural area adjacent to the town, separating it from the surrounding farms and rural residences</p>



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			<p>similar to my property on Fox Run Road by Betts Pond. By the way these ramps and roadways will disturb 220 feet in width of land per ramp. These ramps will be as a pillar of dirt, noise, pollution, and loss of natural beauty to the area on SR 24 Connector, as close as 200 to 300 feet to agriculturally residential property, not to mention loss of wildlife in the area due to construction and highway use, rather than quiet back road streets. SDEIS roadway projects can result in source pollution and typical pollutants from roadways include heavy metals, asbestos, and engine oils and de-icing salt that is transported into surface and groundwater, as stated in 3.10.3 of the statement. This in my humble opinion, the pollution is unsafe and unhealthy for my residential property well and not a natural decomposition process, such as the septic system, which is heavily regulated by DNREC because my property is located in a "watershed" area. To me it is a contradiction, to regulate residential and business owners for building codes, zoning, wells, and septic systems and the DelDOT and state legislators are able to destroy the environment and human lives in the name of "progress."</p> <p>Finally, most people enjoy the country living and don't want progress or the loss of the natural beauty of residing in Sussex County due to unhealthy and unsightly ramps, bridges, highways. Please tell the Mayor Robert Bryan of Millsboro and some State Legislators that if they want progress then by all means put the bridges, ramps, and roadways in their front or back yards in their communities! Sure..... they would be sad and depressed to lose such peace and quiet living, unless they enjoy the city life style. Most people who reside in Sussex County enjoy the farm and rural lifestyle, and don't want to exchange it for highways and expressways and big city living and the problems this lifestyle brings. If people want fast and convenience, then go live in places where it is a big city lifestyle and not ruin it for those who don't want this form of unwelcomed change. Many horrible decisions were based on the word of progress!</p> <p>Oh yes, more jobs and employment constructing the roadways and bridges and this is a win/lose situation..... Some people will suffer financially hardship for appraisal value loss of their property and loss of their homes and farms that has been in their families for generations. Plus the jobs are temporary employment and not a long term solution to stable employment. A lot of unwise projects have been launched in the name of jobs! One other issue brought-up in SDEIS statement about emergency transportation, how often is this occurring per summer peak hours interfering with emergency time spent stick in traffic?</p>



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			<p>Also, Millsboro may be able to learn from NYC and how they overcome the issues of traffic and emergency vehicle problems.</p> <p>Finally, I suggest that DelDOT and State Legislators rethink and take time to come up with alternative ideas for solving the transportation issues in small rural towns, such as if more people were able to access public transportation with better availability and towns focused on improving public transportation with rates, scheduling, and more access for commuters to work, especially at the big companies, such as Mountaire, Indian River Power Plant, and Vlastic Foods and State Agencies. Tax incentives for car-pooling to work and the beach or shuttle busses in private sector or county or state operated. I opt for the No Build Option and let's remain "Slower Lower Delaware" and not lose our small town charm!</p> <p>Thank you for taking time to read my comments! Sorry this is late coming, but I was not contacted for the town meeting in February 7, 2017 and my neighbor who owns the 7 acres behind my property emailed me regarding this SDEIS Yellow Alternative SR 24 Connector situation.</p>
Paul W. Hamblin III, Paul W Hamblin II, Katherin Hamblin, Paul W. Hamblin, Sylvia Hamblin, John Lee Hamblin	<p><b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative</p> <p><b>C.1</b> Property Taking, Property Values or Access Modification</p> <p><b>C.8</b> Water Resources</p>	Email	<p>This is to inform you of our opposition to the connecting spur from highway 30 ( Gravel Hill Road ) to the proposed SR 24 connector road that is currently planned for the Hamblin land located East of Gravel Hill Road. This connector seem to be a needless connector since there is a viable intersection available for Gravel Hill to connect to SR24 just North of the Millsboro dam.</p> <p>The volume of traffic that would use highway 30 to connect to SR 24 when US113/SR24 would be faster would be minimal. This SR 24 connector is of little value and a wasteful abuse of the Hamblin's land. It gives one the impression that since the Hamblin land is " Just A Field " that it would be the easiest target to dump this connector on to satisfy a few travelers. <b>NO CONNECTOR ON THE HAMBLIN LAND !!!</b></p> <p>Finally why would you want to put a bridge across the Millsboro Pond? There are few nice little ponds left and don't forget DOE Bridge and the Hamblin Tract.</p>
Richard Demmitt	<b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements	Email	I am writing to give you my comments on the UR 113 Millsboro South Public hearing held on February 7, 2017.





*US 113 North/South Study Millsboro-South Area  
Final Environmental Impact Statement*

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			I am in favor of and support the proposed by pass presented at the public hearing on February 7, 2017. Thank you
Paul G. Collins	<b>C.5 Business Impacts</b>	Email	I was unable to attend the public hearing on Feb. 7, but I have reviewed the expansion plan for 113.  I am a dentist and my office location is 28318 DuPont Blvd, on the south bound side of Kerlyn Drive. I am concerned about the limited access my patients will have when trying to reach my office, especially ones coming up from the south. I would like to discuss this with someone in your office.
Paul W. Hamblin III, Paul W. Hamblin II, Katherine Hamblin, John L. Hamblin	<b>C.1 Property Taking, Property Values or Access Modification</b>  <b>C.8 Water Resources</b>	Email	Mr. Behrens  My family owns approximately 10 acres West of Gravel Hill Road (30 sr) and approximately 35 acres East of the same road at the current proposed crossing of the Millsboro Pond. We have watched with interest as the different variations of the US 113 project have been presented and the impact on above mentioned land. At different times under different options, the plans have shown a clover leaf on the Hamblin land, a portion of the new road touching the South Eastern corner of the property, to the current plans which is displayed in the information mailing we just received regarding the February 7 <sup>th</sup> meeting in Millsboro.  This property was originally purchased by my great grandfather and mother, Josh and Flossy Hamblin. After their passing away a white fence and a plaque were erected a long Gravel Hill Road in their memory by my grandfather Col. Paul W Hamblin, a highly decorated Army officer. My grandfather, in some manner which I am not totally aware of, dedicated the shore line of the property to the Department of Natural Resource of the State of Delaware in conjunction with the Doe Bridge Hamblin Tract. The purpose was to leave a lasting tribute to my great grandparents, who were the first in our family to own land and through their toll give their children the opportunity to achieve greater things than Josh and Flossy could have ever dreamed. My grandfather was the first of our family to go to college, he is in the University of Delaware Military Hall of Fame. My father, Paul W Hamblin II, being a military brat, always considered that farm to be the only permanent place he could call home and his only life long friend still lives on the next farm, Mr. Henry Johnson. We still occasionally visit Millsboro as my great uncle still lives in Millsboro.



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			<p>We give you this brief history so that you will understand that though we live in Wisconsin, the land is an important part of our history. Each generation has pledged to keep the land as a reminder of where we came from thanks to Josh and Flossy. We could have sold the land numerous times and receive inquiries frequently but the intrinsic value is immeasurable.</p> <p>We understand the traffic and growth problems that Millsboro is facing. We understand that an empty field is an inviting and less disruptive place to put a road, clover or stop light. We were disappointed that all of the plans called for a bridge to be placed across the Millsboro Mill Pond and further disappointed with the impact on the Hamblin land and the Doe Bridge Hamblin Tract.</p> <p>We believe it is only fair to inform the Department of Transportation that we are opposed to the newest plan with a connecting road from Gravel Hill Road to 24 SR on the Eastern portion of the Hamblin land. Furthermore, unless the final plan for the US 113 project dramatically reduces the impact on the Hamblin land, we will refuse all offers by the State of Delaware.</p>
Jim Bennett	<p><b>A.2</b> Traffic</p> <p><b>B.1</b> In Favor of Preferred Alternative, SR 24 Connector, or US 113 Improvements</p> <p><b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative</p> <p><b>B.6</b> Suggestions Outside Scope of Study</p>	Letter	<p>I was on the original "Millsboro South" working group for the Route 113 study and would like to make the following comments about the SDEIS being presented. I applaud the shift from the ill conceived "Blue Route" to making improvements on the current Route 113 corridor to accommodate traffic and safety issues. This on-alignment approach is in agreement with the "Georgetown North" study and will provide continuity for the entire corridor. However, there needs to be a concerted effort, both on the State and County level, not to let the highway be degraded due to strip zoning.</p> <p>I do have reservations about the connector that is proposed to connect Route 113 and Route 24. The working group was disbanded before any specific options for a northern bypass were presented so no endorsement was forthcoming. The property that this route follows is adjacent to the "Doe Run" nature preserve so should be considered in the same manner. Therefore if it is not advisable to utilize the State land due to environmental issues than this property should be in the same category. Also, two bridges across Millsboro Pond will be very destructive to the waters. In an era of challenging water pollution issues this will</p>



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
	<b>C.8</b> Water Resources  <b>C.9</b> Vegetation, Wildlife, and RTE Species		<p>only exacerbate the problems with our deteriorating quality of life. The cloverleaves that are presented are overkill when on/off ramps would suffice. Finally it seems that this route is a way to use the "Patriots Way" property that was purchased in secret and was a subject of great controversy. By using this purchase as the driving force for this route and the resulting environmental consequences reminds me of the saying: "two wrongs do not make a right."</p> <p>Greater emphasis should be placed on improving the traffic flow thru the town of Millsboro. Since traffic coming from the South on Route 113 will probably not use the northern bypass, the intersection of Route 113 and S Washington Street should be designed to allow a better flow of East/West traffic. Parking should be eliminated on the streets of downtown Millsboro to accommodate two way traffic. There are two large parking lots that could fulfill the needs of business in the downtown area. Also, a less invasive northern route should be reexamined.</p> <p>Thank you for giving me the opportunity to comment on this matter. I requested a CD of the SDEIS of the "Millsboro-South Area" by calling DelDOT Community Relations over two weeks ago and to date have not received it. I would like to request that a CD be sent to me. Thank you.</p>
Lisa Simmons	<b>A.1</b> Safety and Evacuation  <b>A.2</b> Traffic  <b>B.3</b> Suggestions of Other Alternatives or Modifications to Alternative  <b>B.6</b> Suggestions Outside Scope of Study  <b>C.3</b> Community Facilities	Letter	<p>To Whom It May Concern,</p> <p>I attended the public hearing in Millsboro on February 7<sup>th</sup>, and wish to express a few concerns and suggestions regarding the proposed plan. I live in Millsboro and travel on Rt. 24 daily to work, and while I support a bypass of Millsboro, I believe it should extend past the Mountaire Poultry plant. When the plant lets out at evening rush hour, the traffic is backed up heading west from Mountaire all the way into Millsboro. I do not believe the plan to put in a traffic light at Hollyville Road will improve the traffic, and may even make it worse, since those heading into Millsboro will have to make a left turn and wait for the light to get into town.</p> <p>I asked at the hearing if a traffic study had been done specifically for that backup ,and the DelDOT employee I spoke to said only daily traffic counts had been done. At the very least, DelDOT should strongly consider a traffic circle at the Hollyville Road intersection to keep</p>





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>the traffic flowing. (And a traffic circle at Beacon Middle School on the other end of Rt 24 while you are at it, for the morning rush hour backup heading east.)</p> <p>I believe that the proposal several years ago to bypass Millsboro and Dagsboro to the east with a bridge over the Indian River is the best solution long-term.</p> <p>Another concern with the recently proposed plan is the closing of cross-over streets along Rt. 113. I live along Delaware Avenue, between Rt. 113 and Monroe Street. The plan will make Delaware Avenue much more heavily used for residents trying to get into this quadrant of town. My main concern is that people frequently disregard the four-way stop at Delaware and Monroe, as well as speed along the stretch next to my house. Many neighbors walk along this stretch for exercise and to walk their dogs, and children live and play across the street. Better enforcement will be needed along Delaware Avenue if other crossovers are closed. Another impact of closing the crossovers is that fire and law enforcement will have more difficulty responding to incidents west of Rt 113 in a timely manner.</p> <p>I understand it is a difficult challenge to design the best solution with the least harmful impacts in a cost-effective manner. However, I am not convinced that the proposal fully addresses the traffic flow, especially on the stretch between Millsboro and Mountaire on Rt. 24.</p> <p>Thank you for considering my comments.</p>
Peter L. Terry	<p><b>A.2 Traffic</b></p> <p><b>B.3 Suggestions of Other Alternatives or Modifications to Alternative</b></p>	Letter	<p>Re: Impact of the preferred alternative on access from The Oaks community to US 113 Sirs:</p> <p>I attended the February 7<sup>th</sup>, 2017 Millsboro South Area Public Hearing and discussed with several representatives my concerns about the possible interference of access to The Oaks community that may be caused by the preferred alternative presented at the hearing. I was not prepared at that time to present my comments. I was given copies of the "questions and/or comments" and asked to submit my comments later. This letter expresses my comments on the subject.</p> <p>SUMMARY</p>



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>The Oaks is a community of approximately 65 single family homes located behind the site of Millsboro Automart on US 113. The only access for The Oaks is via Oak Drive, a small, 2 lane road connecting with the south bound side of US 113. At present, exit from and entrance to Oak Drive can be difficult during periods of high traffic density on US 113 particularly during weekday morning and summer weekend periods. It is anticipated that the preferred alternative presented at the Feb. 7, 2017 Millsboro-South Area Public Hearing will greatly reduce access to The Oaks.</p> <p>Features of the preferred alternative that will most reduce access are:</p> <ol style="list-style-type: none"> <li>1) Westbound SR 24 traffic which presently continues through Millsboro on SR 24 or turns south on US 113 will be added to the southbound traffic now passing the entrance to Oak Drive.</li> <li>2) The removal of the traffic light at the intersection of US 113 and SR 20 (Hardscrabble Road) will eliminate the breaks in southbound traffic now created by this light. These breaks, even at present traffic levels are critical in safely exiting Oak Drive and in crossing US 113 to enter Oak Drive.</li> </ol> <p><b>PRESENT OAK DRIVE TRAFFIC PATTERNS</b></p> <p>The area of The Oaks is shown in the attached two maps. The first map shows US 113 from the intersection with SR 20 (Hardscrabble Road) to the intersection with SR 24. I have highlighted streets of The Oaks on this map.</p> <p>The second map is a close up showing the streets of The Oaks and the connection to US113</p> <p>The only exit from The Oaks is to the southbound lane of US 113. The only entrance is also from the south bound lane of US 113. The following describes typical, local traffic patterns.</p> <p><b>Exit Oak Drive to US 113 Southbound</b></p> <p>Turn right onto right lane of US 113, Usually very easy but must watch for oncoming traffic, if traffic heavy may have to wait for break caused by traffic light at SR 20. Under extreme conditions, typically summer weekends, traffic may be backed up and stationary in front of Oak Drive. The best solution to this problem is a driver on 113 kind enough to let you in.</p>



Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>Exit Oak Drive to US 113 Northbound Turn right on US 113 and move over to the left lane. Similar to above but requires larger gap in traffic. From the left lane make a U turn at one of the median crossovers, typically Delaware Ave. Under extreme conditions crossing two lanes of stationary traffic can be close to impossible. An alternative method of turning north from Oak Drive when 113 is blocked is to drive on the shoulder of 113 to Delaware Ave. Follow Delaware Ave to SR 24. Turn left at 24 and take 24 to the traffic light at 113. Turn left, north, on 113. I realize that this alternative method is very slow and may even be illegal (driving on the shoulder) but I've had to do it more than once under present traffic conditions!</p> <p>Enter Oak Drive from US 113 Southbound Easy at all times. Stay in right lane of US 113 and turn right onto Oak Drive.</p> <p>Enter Oak Drive from US 113 Northbound From the left lane of US 113 turn into the median crossover in front of Millsboro Automart. Wait until an adequate and SAFE gap opens in BOTH southbound lanes. Drive directly into the entrance to Oak Drive. Even moderate traffic can require waiting for the SR20 stoplight to cycle and create a safe gap to cross both lanes. If the entrance to Oak Drive is blocked by southbound traffic it will be necessary to go to a median crossover further north so that you can get on US 113 southbound north of the blockage then exit from the southbound lane.</p> <p>Other residents and businesses in this area may be affected in similarly but the Oaks is the only community linked only to US 113.</p> <p>A BRIEF ANALYSIS The above maneuvers or variations are commonly performed just for normal access to The Oaks. It can be seen that in three of the four procedures traffic density in the southbound lane of US 113 in combination with the SR 20 stoplight cycle have an important influence on the convenience and safety of the maneuvers.</p>





Name of Individual/ Agency/ Legislative Entity	Comment Issue	Comment Type	Comment
			<p>The preferred alternative as presented in the February 7<sup>th</sup> public hearing will increase traffic past the entrance to Oak Drive and eliminate the stoplight from the SR 20 intersection.</p> <p>SUGGESTIONS</p> <ol style="list-style-type: none"> <li>1) A traffic flow study should be done on the preferred alternative to determine its impact on access to US 113 southbound in the area between SRs 20 and 24.</li> <li>2) Access to Oak Drive and safety could be greatly improved by relocating a media crossover so that it aligns with Oak Drive. A “treadle” operated stop light could be used to stop traffic on the southbound lanes of US 113 as required.</li> <li>3) Thru, westbound SR 24 traffic taking the new bypass should be routed to rejoin SR 24 at a point west of Millsboro. This would lessen impact on the subject area as well as at the 24/113 intersection and the reduced speed limit area of SR 24 west of Millsboro.</li> </ol> <p>Thank you very much for the opportunity to present these comments. I may be reached at any of the contact points in the letterhead.</p>



## **APPENDIX C: MEMORANDUM OF AGREEMENT**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Delaware Division**

August 17, 2017

1201 College Park Dr., Suite 102  
Dover, DE 19904  
(302) 734-5323  
(302) 734-3066  
<http://www.fhwa.dot.gov/dediv/>

In Reply Refer To:  
HDA-DE

Reid Nelson  
Director, Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW  
Washington, DC 20001

Dear Mr. Nelson:

In accordance with 36 CFR 800.6(b)(1)(iv), the Federal Highway Administration (FHWA) is transmitting the fully executed Memorandum of Agreement (MOA) for the US113 North/South Study Millsboro South Project located in Sussex County, Delaware. The MOA is appended to the project's combined Final Environmental Impact Statement Record of Decision FEIS ROD. The MOA was prepared in consultation with the Delaware Department of Transportation (DelDOT) and the Delaware State Historic Preservation Officer (SHPO). The MOA included tribal consultation with the Delaware Tribe of Indians who formally responded with comments to the draft version of this MOA in the SDEIS on September 20, 2016, which have been taken into account in the final MOA.

Should you have any questions, please contact Mr. Nick Blendy at (302) 734-2966 or by email at [nick.blendy@dot.gov](mailto:nick.blendy@dot.gov).

Sincerely,

Spencer Stevens  
Acting Division Administrator



**MEMORANDUM OF AGREEMENT**

**AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE DELAWARE STATE HISTORIC PRESERVATION OFFICE, AND  
THE DELAWARE DEPARTMENT OF TRANSPORTATION**

**REGARDING IMPLEMENTATION OF THE US 113 NORTH/SOUTH STUDY –  
MILLSBORO-SOUTH AREA PROJECT  
SUSSEX COUNTY, DELAWARE**

**STATE CONTRACT NUMBER: T200212701  
FEDERAL AID NUMBER: TBD**

WHEREAS, the Federal Highway Administration (FHWA) with the Delaware Department of Transportation (DelDOT) propose to construct approximately eleven (11) miles of transportation improvements including, but not limited to, bridge overpasses, new corridor alignment, and grade separated interchanges along U.S. 113 in the Millsboro-South Area of Sussex County, Delaware, hereon referred to as the “Project”; and

WHEREAS, the Millsboro-South Area project is a component of the overall US 113 North/South Study initiated with a state Feasibility Study in 2001 to identify an alignment for a continuous limited access roadway from the Maryland/Delaware state line north to SR 1 north of the City of Milford, a total distance of approximately 40 miles including two previous projects (Ellendale Area and Georgetown Area) for which separate with Section 106 consultation occurred; and

WHEREAS, DelDOT, in the Millsboro-South Area of the US 113 North/South Study Area, initially identified the Preferred Blue Alternative, an eastern bypass of Millsboro, Dagsboro and Frankford, in the project’s Draft Environmental Impact Statement (DEIS) published in August 2013 and presented at September 16-17 2013 Public Hearings, where substantial public comments were made opposing the Blue Alternative; and

WHEREAS, on October 14, 2015, DelDOT held a Public Workshop to update and inform the public that the previous Blue Alternative is no longer being considered and instead, DelDOT has focused on a Modified Yellow Alternative, which substantially reduces the scope and length of the previous Blue Alternative; and

WHEREAS, DelDOT has identified the Modified Yellow Alternative as the new Preferred Alternative for the Millsboro-South Area in the Supplemental Draft Environmental Impact Statement (SDEIS) published December 2016 and presented at a February 7, 2017 Public Hearing where it was favorably received by the public. The new Preferred Alternative includes approximately 11.4 miles of on-alignment US 113 improvements, including 2.8 miles of widening, and an additional 2.3 miles of new corridor alignment for the new SR 24 Connector with a grade separate intersection at US 113 and SR 20 (see Figure A); and

WHEREAS, FHWA in consultation with the Delaware State Historic Preservation Office (DE SHPO) and DelDOT has established the Project's Area of Potential Effect (APE), as defined in 36 CFR 800.16(d), as those areas within the Limit of Construction (LOC), Temporary Construction Easements (TCE), Permanent Easements (PE), Right of Way (ROW), and adjacent or contiguous properties where visual effects may occur (see Figure B); and

WHEREAS, FHWA has elected to phase the identification and evaluation of archaeological historic properties as provided in 36 CFR 800.4(b)(2), but will ensure that DelDOT completes the process in a timely manner, to allow practical opportunities to avoid or minimize adverse effects to historic properties, as stipulated under this Memorandum of Agreement (MOA); and

WHEREAS, within the current APE (Figure B), FHWA and DelDOT have identified and evaluated buildings, structures and districts built in or before 1962; and

WHEREAS, FHWA acknowledges that in the extensive period it will take for DelDOT to complete the Project, additional buildings, structures or districts in the APE will come to meet the minimum fifty (50) year age criterion for historic properties, and FHWA shall address such properties through the process stipulated in this MOA; and

WHEREAS, FHWA pursuant to 36 CFR Part 800.4 (a)(2), has determined that within the APE, the following properties are listed in or are eligible for the National Register of Historic Places: Charles B. Houston House (S10873); Walter McKinley Betts House (S10611); and

WHEREAS, FHWA and DelDOT in consultation with DE SHPO have determined that this Project may have an adverse effect on: Charles B. Houston House (S10873); Walter McKinley Betts House (S10611); and

WHEREAS, FHWA has determined that the Project may also affect as yet unidentified historic properties in areas that have not been subject to prior cultural resource investigations, such as areas that are associated with proposed alignment modifications or other Project-related ancillary activities including, but not limited to, stormwater management facilities, wetland mitigation sites, reforestation areas, staging, stockpiling and access areas, and disposal sites, and that the APE may need to be revised to consider such areas; and

WHEREAS, FHWA has consulted with the DE SHPO and the Federally Recognized Indian Tribes in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. § 300101 ET SEQ., and its implementing regulations (36 CFR Part 800) to resolve any adverse effects that may occur as a result of this Project; and

WHEREAS, FHWA and DelDOT have notified the Advisory Council on Historic Preservation (ACHP) and the DE SHPO of their intent to use the NEPA process for Section 106 purposes (36 CFR Part 800.8(c)), and provided the Draft Environmental Impact Statement for review. The ACHP declined to participate in the consultation per letter dated July 20, 2010 and again in a

letter dated September 14, 2016. However, if through the process outlined in this MOA, the signatories find that other historic properties may be adversely affected later in time, coordination with the ACHP may resume; and

WHEREAS, FHWA and DelDOT will include the binding commitment made under this MOA in the Final Environmental Impact Statement and/or Record of Decision prepared for the Project, in accordance with 36 CFR Part 800.8(c)(4)(i); and

WHEREAS, FHWA has contacted the Delaware Nation, the Stockbridge-Munsee Community Band of Mohican Indians, and the Delaware Tribe of Indians, hereafter referred to as the Federally Recognized Indian Tribes to determine their interest in being a consulting party for this project. The Delaware Tribe of Indians formally responded with comments to the draft version of this MOA on September 20, 2016, which were taken into account; and

WHEREAS, FHWA has afforded the public an opportunity to comment on the effects of the Project on historic properties through the National Environmental Policy Act (NEPA) of 1969, as amended; and through DelDOT's Public Involvement Procedures; and

WHEREAS, as part of the above public outreach DelDOT has contacted the Nanticoke Indian Association and Lenape Indian Tribe of Delaware, hereafter referred to as the State Recognized Indian Tribes as potentially interested parties. DelDOT will continue to coordinate throughout this project with the State Recognized Indian Tribes as an interested party for all Native American archaeological sites and above ground resources that will be adversely impacted by the project; and

WHEREAS, DelDOT participated in the consultation and having responsibilities for implementing stipulations under this MOA, has been invited to be a signatory to this MOA, pursuant to 36 CFR Part 800.6(c)(2).

NOW, THEREFORE, FHWA, DE SHPO, and DelDOT agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the potential effect of the Project on historic properties, and if need be, to mitigate for Adverse Effects.

### **Stipulations**

FHWA shall ensure that the following actions will be carried out:

#### **I. Archaeological Resources**

##### **A. Identification and Evaluation**

Prior to starting construction or other ground disturbing activities, DelDOT in consultation with the DE SHPO and the Federally Recognized Indian Tribes shall conduct identification (Phase I)



archaeological surveys within the APE, and will determine if identified sites will require a Phase II level archaeological survey to evaluate their National Register of Historic Places eligibility. Evaluation Studies (Phase II) may require additional background research and/or additional field excavations. All surveys shall conform to the requirements of Stipulation VII of this MOA.

DelDOT shall prepare reports on findings of the archaeological identification/evaluation surveys and shall submit the reports to the DE SHPO and the Federally Recognized Indian Tribes for their review. Upon receipt of the document, the review period will be thirty (30) days. FHWA and DelDOT will take into account comments and will recommend any next steps.

During the Evaluation Studies (Phase II), FHWA and DelDOT shall apply the National Register criteria (36 CFR 60.4) in accordance with 36 CFR 800.4(c), taking into account applicable historic contexts and management plans developed for Delaware historic and prehistoric archaeological resources.

If FHWA and DelDOT determine that any of the National Register criteria are met, and the DE SHPO agrees the archaeological site(s) shall be considered eligible for the National Register. If FHWA and DelDOT determine that the National Register criteria are not met, and the DE SHPO agrees, the archaeological site(s) shall be considered not eligible for the National Register.

Based on the Evaluation Studies (Phase II), should a signatory to this agreement not agree on the eligibility determination of an archaeological site(s), the DelDOT or FHWA shall obtain a determination from the Secretary of the Interior, pursuant to 36 CFR 800.4(c)(2), 36 CFR 63.2(c) and 63.3(d).

#### B. Effect Determination / Mitigation

If eligible archaeological sites are identified and affected within the APE, DelDOT will make a reasonable effort to avoid these sites or to minimize impacts to them. If the eligible sites cannot be avoided, DelDOT will apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5.

If listed or eligible Native American archaeological sites are identified and affected within the APE, FHWA will also consult with the Federally Recognized Indian Tribes.

If the project will have an adverse effect on archaeological sites, DelDOT, in consultation with the DE SHPO and the Federally Recognized Indian Tribes, shall develop a treatment plan. The treatment plan may include elements of data recovery and/or an alternative mitigation plan.

DelDOT shall submit the treatment plan to the FHWA, DE SHPO, and other interested or consulting parties that may be identified, including the Federally Recognized Indian Tribes, for their review and comment as defined in 36 CFR 800.2(c)(2)(ii). Upon receipt of the document, the review period will be thirty (30) days. Following thirty (30) days, DelDOT will take into account any comments, and will recommend any next steps to the FHWA, DE SHPO and the Federally Recognized Indian Tribes.

Should data recovery investigations be warranted, DelDOT and FHWA shall ensure that a data recovery plan is developed in consultation with the DE SHPO, and other consulting or interested parties, including the Federally Recognized Indian Tribes. The plan shall specify, at a minimum:

- the property, properties, or portions of properties where data recovery is to be carried out, and any property that will or may be destroyed without data recovery;
- the research questions to be addressed through data recovery, with an explanation of their relevance and importance;
- the research methods to be used, with an explanation of their relevance to the research questions;
- the methods to be used in analysis, data management, and data dissemination, including a schedule;
- a provision for assessing materials that may be in need of conservation;
- proposed disposition of recovered materials and records;
- proposed methods for involving the interested public in the data recovery, and for disseminating the results of the work to the interested public;
- a proposed schedule for the submission of progress reports to the DE SHPO; and
- provisions to meet on-site in order to evaluate the success of the initial fieldwork phase of any data recovery program, and near the end of the fieldwork efforts to validate substantial completion.

If the agreed-upon treatment plan includes preservation in place of all or part of an eligible site, FHWA, DelDOT and DE SHPO in consultation with the Federally Recognized Indian Tribes shall determine the need for and negotiate the terms of any legal instruments that would ensure long-term preservation or protection of the site. Any such legal instrument shall include, at a minimum, the following elements:

- a clearly defined list of allowed uses and prohibited uses of the site; and
- an acknowledgement that protection measures are being instituted in order to minimize or mitigate the Project's adverse effects to a National Register-listed or -eligible property; and
- a prohibition on any party, its successors, heirs or assigns, from terminating, modifying, altering or otherwise setting aside any such legal instrument unless the party, prior to taking such action, first provides the signatories to this MOA with written justification for termination, and consults with the signatories to develop a new treatment plan to address the potential adverse effects pursuant to 36 CFR Part 800.5, regardless of whether the term of this MOA has expired or not.

When and/or if an alternative mitigation strategy is chosen and approved by the DE SHPO, FHWA, and DelDOT, it may include but is not limited to: acquisition and protection of portion(s) of the site, analysis and synthesis of past data accumulated through either DE SHPO, FHWA, or DelDOT projects, updating the relevant DE SHPO and DelDOT archaeological websites and GIS databases, development of historic and prehistoric contexts and preservation

priorities, statewide predictive models, development of travel or informational displays with the cultural resource work for this Project, oral histories from the project APE, documentaries about the history of the APE, virtual tour / website about the archaeological sites being mitigated in the APE, and improved archaeological data management and access for both DE SHPO and DelDOT.

DelDOT will complete all necessary data recovery fieldwork prior to commencing construction in the site areas. Alternative mitigation may or may not be completed prior to commencing construction in the site areas.

DelDOT shall provide all draft and final archaeological reports and public information materials to the DE SHPO for review and comment. DelDOT will take into account any comments received. All final reports shall meet the Secretary of the Interior's standards and Guidelines for Archaeological Documentation (48 FR 44734-37), while also satisfying the DE SHPO's guidelines for archaeological surveys or investigations.

Should any Native American archaeological sites be identified, DelDOT will also provide copies of relevant draft and final reports and public information materials to the Federally Recognized Indian Tribes for review and comment, and will take into account any comments the Federally Recognized Indian Tribes provide.

#### C. Public Involvement

DelDOT will prepare a public participation plan and public information materials. Before releasing materials to the public, DelDOT shall submit the proposed action plan(s) with any materials to the FHWA, DE SHPO, and other consulting or interested parties, including the Federally Recognized Indian Tribes, for their review and comment. Upon receipt of the materials, the review period will be thirty (30) days. Following thirty (30) days, DelDOT will take into account any comments received, and will recommend any next steps, if necessary, to the FHWA, DE SHPO, and other consulting or interested parties, including the Federally Recognized Indian Tribes.

The public participation plan may include, but is not limited to, archaeological site tours for the public and educational groups. The specific public outreach materials produced will be determined individually for each site for which mitigation is necessary and may include, but are not limited to, pamphlets, videos, historical markers, brochures, websites, exhibits, displays for public buildings, booklets on the history or prehistory of the project area, lectures or presentations at academic conferences, and/or public institutions such as schools and historical societies.

DelDOT shall distribute the public information materials to other consulting parties and interested parties, local schools, historical societies, libraries, senior centers, museums and/or other venues and individuals deemed pertinent in consultation with the DE SHPO, FHWA, and the Federally Recognized Indian Tribes.



#### D. Curation

DelDOT shall ensure that all records and materials resulting from the archaeological investigations will be processed, prepared for, and curated in accordance with 36 CFR Part 79 and the Division of Historical and Cultural Affairs' (the Division) "Guidelines for the Curation of Archaeological Collections" (2001) or its successor. These records and materials shall be curated at the Division, or its designee, following the policies of the institution, except as may be provided for under the following paragraph.

As part of the Public Involvement efforts outlined in Stipulation I.C. of this Agreement, the FHWA, DelDOT, and DE SHPO will consult to determine if any archaeological materials may be loaned to a public museum or other public institution for the purposes of exhibit or research, following the Division's loan policy and procedures. Such loans and exhibits may occur only after the curatorial procedures, referenced in the first paragraph in this stipulation, have been completed. As deemed appropriate by FHWA, DelDOT, the DE SHPO, and other consulting or interested parties including the Federally Recognized Indian Tribes will be consulted concerning curation and any public exhibition of artifacts.

#### E. Discovery of and Treatment of Human Remains and Burials

DelDOT Environmental Studies and/or appropriate DelDOT construction engineering staff shall immediately (within 24 hours) notify the DE SHPO and FHWA of the discovery of any human remains encountered during the archaeological investigations or the project construction. DelDOT shall cease all activities that may disturb or damage the remains, and comply with the Delaware Unmarked Human Remains Act (7 Del.C. Ch. 54).

If the human remains are of Native American affiliation, then FHWA will immediately (within 3 days) notify the Federally Recognized Indian Tribes. FHWA and DelDOT will forward information regarding Native American discoveries to the DE SHPO and the Federally Recognized Indian Tribes for review and comment. This will occur as soon as possible, within a period no longer than two (2) weeks. FHWA will request that the parties comment on the information within two (2) weeks of receipt. FHWA will then consult with the Federally Recognized Indian Tribes, the DE SHPO, and DelDOT to determine an appropriate course of action in accordance with 36 CFR 800, and taking into account the above cited state law and the Delaware Tribe of Indians Policy for the Treatment and Disposition of Human Remains and Cultural Items (Appendix A).

The DE SHPO will comply with the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601) with regard to disposition of the remains and/or associated funerary objects, as applicable.

#### F. Residual Right of Way

The Project under the Preferred Alternative will require property acquisition that may or may not involve impacts to archaeological sites. Should existing right of way or lands acquired (for

purposes of the Project) be later subdivided and/or declared excess right of way (to be leased, transferred, or sold), preservation covenants for that subject parcel will first be considered by DelDOT, FHWA, and DE SHPO before DelDOT takes any action to divest itself from such lands. The parties will determine if the subject parcel(s) contain, or has the potential to contain, any historic properties. If so, the parties will determine the need for and negotiate the terms of any legal instruments that would ensure long-term preservation of such properties. Any such legal instrument shall include, at a minimum, the elements defined in Stipulation I.B. of this MOA. This will adequately address any reasonably foreseeable adverse effects that could occur due to transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions to ensure long-term preservation (or mitigation) of historic properties (36 CFR part 800.5(a)(2)(vii)).

## **II. Historic Buildings**

### **A. Formal Effect Determination / Mitigation**

DelDOT will make a reasonable effort to avoid or to minimize adverse effects to the identified eligible historic buildings within the APE (Walter McKinley Betts House (S10611) and Charles B. Houston House (S10873)) and any as yet unidentified historic resources as the project develops. After preliminary plans have been submitted, FHWA and DelDOT in consultation with DE SHPO will formally apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5.

If the project will have an adverse effect on historic buildings, DelDOT, in consultation with the DE SHPO and the property owner, shall develop a mitigation plan. Options for mitigation will depend upon the nature of the adverse effect that the project will have on the eligible property and may include measures to address physical property impacts or visual and/or auditory impacts. Possible mitigation measures may include landscaping features, the development of pamphlets, videos, historical markers, brochures, websites, exhibits, displays for public buildings, booklets on the history of the project area, lectures or presentations at academic conferences, and/or public institutions such as schools and historical societies.

### **B. Vibration Monitoring**

To best protect historic buildings potentially affected by the project, DelDOT, in consultation with DE SHPO and FHWA, will evaluate the construction activities proposed at the semi-final plan stage and decide if vibration monitoring is warranted to help prevent adverse effects to the historic buildings.

If vibration monitoring is determined necessary, DelDOT in consultation with DE SHPO and FHWA, will develop a vibration monitoring plan to monitor the effects of the construction activities on the historic building. DelDOT shall acquire the services of a professional engineer or other qualified expert, as appropriate, that is knowledgeable about the effects of construction vibration on historic buildings to develop the vibration monitoring plan. This plan will include a schedule to document the baseline conditions of the historic building.

During construction, if the monitoring indicates that damage is occurring to the building subject to the monitoring plan, the contractor must cease construction in the immediate area and notify DelDOT. DelDOT shall then, in consultation with DE SHPO and FHWA,

1. Determine the nature and extent of the damage caused by the construction; and
2. Alter any construction methods that may have caused the damage; and
3. Develop and implement methods to stabilize and/or repair the damage, in accordance with the recommended approaches in the Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings or other agreed upon method.

**C. Additional Architectural Studies**

During the annual review of this MOA, mandated in Stipulation X, DelDOT shall consult with the DE SHPO and FHWA to determine the need for additional survey for buildings, structures, or districts that have come to meet the minimum fifty (50) year age criterion. If so needed, DelDOT shall identify and evaluate any additional such properties, following the process outlined for Archaeological Resources in Stipulations I.A. of this MOA. DelDOT shall assess the effects of the project following Stipulation II.A of this MOA.

**III. Unexpected Discoveries**

In the event that previously unidentified cultural resources are discovered or unanticipated effects to historic properties occur during construction, DelDOT shall instruct the contractor to cease construction in the immediate area, and immediately notify FHWA. FHWA shall comply with 36 CFR Part 800.13 by consulting with the DE SHPO. If said discovery or unanticipated effects pertain to resources of Native American affiliation, FHWA and DelDOT shall include the Federally Recognized Indian Tribes in the consultation. The FHWA will notify the DE SHPO and the Federally Recognized Indian Tribes within one (1) working day of the discovery. The FHWA, DelDOT, and the DE SHPO will meet at the location of the discovery within forty-eight (48) hours of the initial notification to determine appropriate treatment of the discovery prior to resumption of construction activities within the area of discovery. If the affected resource is of Native American affiliation, FHWA shall first consult with the Federally Recognized Indian Tribes before implementing any such treatment option.

**IV. Disposal of Project Related Materials**

DelDOT shall review locations proposed for the disposal of materials produced by demolition, construction, excavation, and/or dredging associated with the Project to ensure these activities do not adversely affect historic properties. Disposal sites are to be considered part of the APE. DelDOT qualified staff shall document the findings of all disposal site review in the project general file. DelDOT will consult with the DE SHPO in cases where such activities may affect a historic property, and the contractor(s) could not identify an alternative location.



## **V. Review of Project Plans**

DelDOT shall provide copies of the preliminary, semi-final, and final design plans of the Project to the DE SHPO and any other party deemed appropriate for review and comment. The DE SHPO and other parties will have thirty (30) days from the receipt of materials to provide comments. FHWA and DelDOT shall take into account any comments provided.

## **VI. Subsequent Changes to the Project**

If DelDOT proposes any changes to the Project affecting location, design, methods of construction, materials, or footprint of the Project, DelDOT shall provide the DE SHPO and other consulting parties, with information concerning the proposed changes. The DE SHPO and consulting parties will have thirty (30) days from the receipt of this information to comment on the proposed changes. DelDOT shall take into account all comments prior to implementing such changes. Should changes occur, DelDOT, in consultation with the DE SHPO, may need to redefine the APE beyond the areas depicted in Attachment A. DelDOT shall consult with the DE SHPO to identify and evaluate historic buildings, sites, structures, and/or districts in any newly affected areas, and assess the effects of the project thereafter, following the process outlined for Archaeological Resources in Stipulations I.A. and I.B of this agreement, or as applicable under stipulation III.

## **VII. Administrative Stipulations**

### **A. Personnel Qualifications**

All cultural resource work carried out pursuant to this agreement will be performed by or under the direct supervision of a person or persons meeting at a minimum the “*Secretary of the Interior's Standards and Guidelines*” ([http://www.cr.nps.gov/local-law/Arch\\_Standards.htm](http://www.cr.nps.gov/local-law/Arch_Standards.htm)), formerly 61 CFR Appendix A. DelDOT’s Environmental Studies personnel will have direct authority to select and authorize any and all qualified cultural resource management firms or subconsultants to carry out this work on an as-needed basis throughout the duration of the Project.

### **B. Survey and Data Recovery Standards**

DelDOT shall ensure that any and all cultural resource surveys and/or data recovery plans conducted pursuant to this MOA are done in accordance with the *Secretary of the Interior's Standards and Guidelines for Identification and Evaluation*, and for *Archaeological Documentation*, as applicable, and in accordance with the DE SHPO’s *Architectural Survey in Delaware* (2015, or its successor) and *Archaeological Survey in Delaware* (2015, or its successor).

Survey proposals and data recovery plans shall include a research design that stipulates: objectives, methods, and expected results; production of draft and final reports; and preparation of materials for curation in accordance with Stipulation I.D., including budgeting for initial

conservation assessments and treatment. Additional requirements for data recovery plans are found in Stipulation I.B. of this Agreement.

All data recovery plans shall also take into account the Advisory Council on Historic Preservation's guidance for *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*. Reports will meet professional standards set forth by the Department of the Interior's "*Format Standards for Final Reports of Data Recovery Program*" (42 FR 5377-79).

All data recovery plans, public outreach, or future consultation shall also follow and/or consider any supplemental guidance and provisions provided by, but not limited to, the American Association of State Highway Transportation Officials, FHWA, Transportation Research Boards, National Park Service, ACHP or recognized academic journals or professional organizations as identified by DelDOT and/or the DE SHPO.

DelDOT shall ensure that all draft and final cultural resource reports are provided to the FHWA and DE SHPO within two (2) years of the completion of any fieldwork. Draft and final cultural resource reports relevant to Native American Sites will also be provided to the Federally Recognized Indian Tribes and State Recognized Indian Tribes.

### **VIII. Dispute Resolution**

Should any signatory to this Agreement object in writing to any plans, specifications or actions proposed or carried out pursuant to this agreement, FHWA shall consult with the objecting party to resolve the objection. If FHWA determines that the objection cannot be resolved, FHWA shall forward all documentation relevant to the dispute to the ACHP. Within thirty (30) days after receipt of all pertinent documentation, the ACHP will either:

- A. Advise FHWA that the ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA shall respond to the objection accordingly;
- B. Provide FHWA with recommendations, which FHWA will take into account in reaching a final decision regarding the dispute; or
- C. Notify FHWA that it will comment pursuant to 36 CFR 800.7(a) and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

Should the ACHP not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection.

Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute; FHWA's responsibility to carry out all actions under this MOA that are not the subject of the objection will remain unchanged.

## **IX. Duration**

This MOA shall remain in force until its Stipulations have been fulfilled. This time period shall not exceed five (5) years from the date of the final signature. If within six (6) months prior to the end of this five year period, stipulations remain unfulfilled, the parties to this Agreement will consult to determine if extension or other amendment of the Agreement is needed. No extension or amendment will be considered in effect unless all the signatories to the MOA have agreed to it in writing.

## **X. Review of Implementation**

FHWA, DelDOT, and the DE SHPO shall review the project annually, to monitor progress of the implementation of the terms of this MOA. By agreement, DelDOT, DE SHPO and FHWA will meet in January of each year to discuss and report progress of active MOA's including this project.

## **XI. Amendments**

Any party to this Agreement may propose to FHWA that the Agreement be amended, whereupon FHWA shall consult with the other parties to consider such an amendment, in accordance with 36 CFR Part 800.6(c)(7).

## **XII. Termination**

- A. If the FHWA or DelDOT determines that it cannot implement the terms of this MOA, or the DE SHPO determines that the MOA is not being properly implemented, FHWA, DelDOT, or the SHPO may propose to the other parties to this MOA that it be terminated.
- B. The party proposing to terminate this MOA shall notify all parties to this MOA, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.
- C. Should all consultation fail, FHWA or the DE SHPO may terminate the MOA by so notifying all parties in writing.
- D. Should this MOA be terminated, FHWA shall either:
  - 1. Consult in accordance with 36 CFR 800.6(a)(1) to develop a new MOA or;
  - 2. Request the comments of the ACHP pursuant to 36 CFR 800.7(a)

Execution of this MOA by the FHWA, DE SHPO, and DelDOT and implementation of its terms is evidence that the FHWA has afforded the ACHP an opportunity to comment on the U.S. 113 North/South Project in the Millsboro-South area and that the FHWA has taken into account the effects of the undertaking on historic properties.



**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT**

**AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE DELAWARE STATE HISTORIC PRESERVATION OFFICE, AND  
THE DELAWARE DEPARTMENT OF TRANSPORTATION**

**REGARDING IMPLEMENTATION OF THE US 113 NORTH/SOUTH STUDY –  
MILLSBORO-SOUTH AREA PROJECT  
SUSSEX COUNTY, DELAWARE  
STATE CONTRACT NUMBER: T200212701  
FEDERAL AID NUMBER: TBD**

THE FEDERAL HIGHWAY ADMINISTRATION

By:



Spencer Stevens, FHWA Delaware Division Acting Administrator

Date:

Aug 15-2017

**SIGNATORY PAGE**

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MILLSBORO-SOUTH AREA PROJECT  
SUSSEX COUNTY, DELAWARE  
STATE CONTRACT NUMBER: T200212701  
FEDERAL AID NUMBER: TBD**

THE DELAWARE STATE HISTORIC PRESERVATION OFFICER

By: 

Timothy Slavin, DHCA Director and State Historic Preservation Officer

Date: 8.10.17

**SIGNATORY PAGE**

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MILLSBORO-SOUTH AREA PROJECT  
SUSSEX COUNTY, DELAWARE  
STATE CONTRACT NUMBER: T200212701  
FEDERAL AID NUMBER: TBD**

DELAWARE DEPARTMENT OF TRANSPORTATION

By:   
Robert McCleary P.E., DelDOT Chief Engineer

Date: 8/7/17



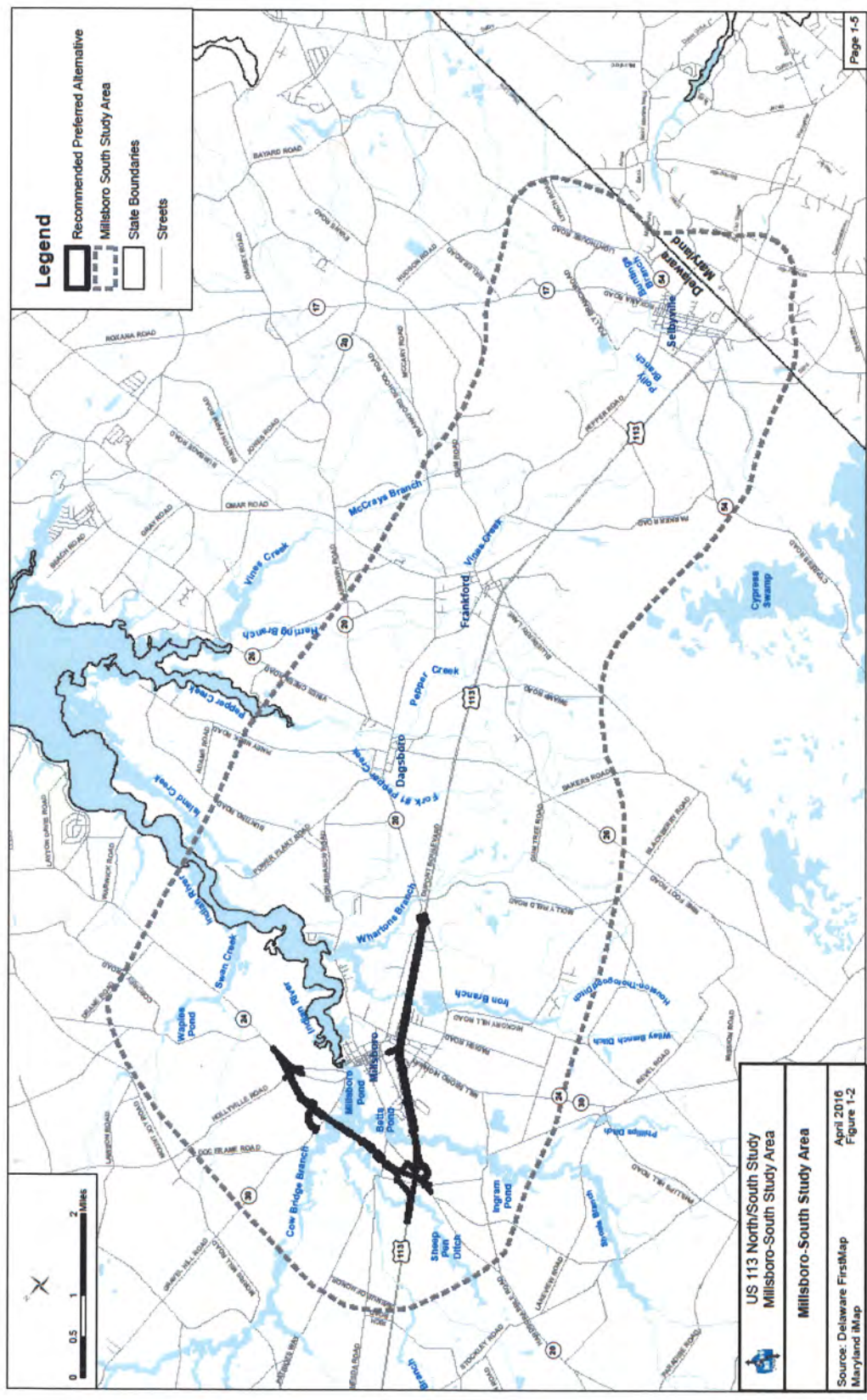


Figure A: Millsboro North/South Preferred Alternative from the SDEIS (June 2016)





Figure B: Millsboro North/South APE

## Appendix A

Delaware Tribe of Indians  
Policy for  
Treatment and Disposition of Human Remains and Cultural Items  
That May be Discovered Inadvertently during Planned Activities

### **Purpose**

The purpose of this policy is to describe the procedures that will be followed by all federal agencies, in the event there is an inadvertent discovery of human remains.

### **Treatment and Disposition of Human Remains and Cultural Items**

1. The federal agency shall contact the Delaware Tribe of Indians' headquarters at 918-337-6590 or the Delaware Tribe Historic Preservation Representatives at 610-761-7452, as soon as possible, but no later than three (3) days, after the discovery.
2. Place tobacco with the remains and funeral objects.
3. Cover remains and funeral objects with a natural fiber cloth such as cotton or muslin when possible.
4. No photographs are to be taken.
5. The preferred treatment of inadvertently discovered human remains and cultural items is to leave human remains and cultural items in-situ and protect them from further disturbance.
6. No destructive "in-field" documentation of the remains and cultural items will be carried out in consultation with the Tribe, who may stipulate the appropriateness of certain methods of documentation.
7. If the remains and cultural items are left in-situ, no disposition takes place and the requirements of 43 CFR 10 Section 10.4-10.6 will have been fulfilled.
8. The specific locations of discovery shall be withheld from disclosure (with exception of local law officials and tribal officials as described above) and protected to the fullest extent by federal law.
9. If remains and funeral objects are to be removed from the site consultation will begin between the Delaware Tribe of Indians and the federal agency.



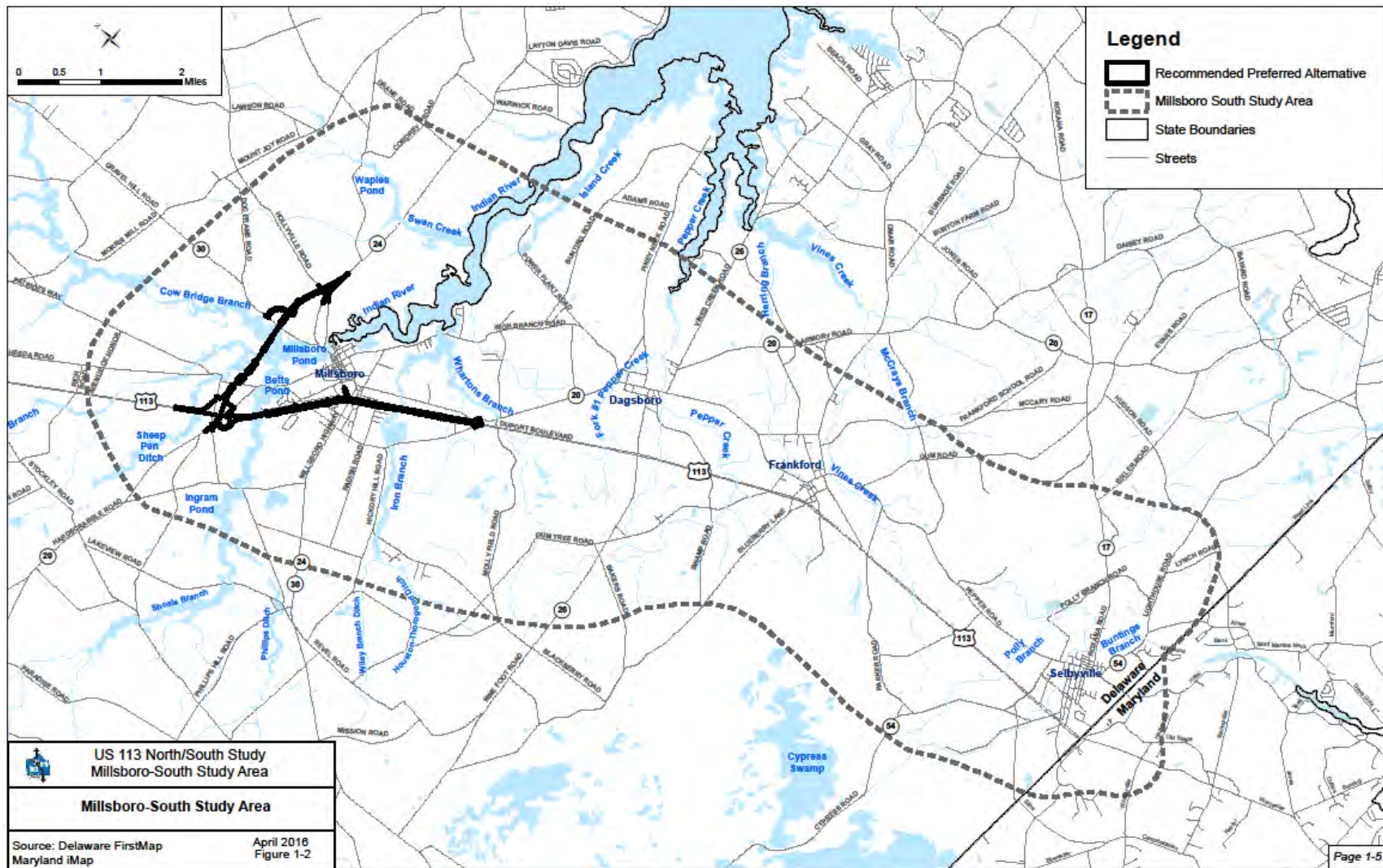


Figure A: Millsboro North/South Preferred Alternative from the SDEIS



Figure B: Millsboro North/South APE





Preserving America's Heritage

September 14, 2016

Mr. Nick Blendy  
Environmental Specialist  
Federal Highway Administration  
Delaware Division  
1201 College Road, Suite 201  
Dover, DE 19904

Ref: *Proposed Implementation of the US 113 North/South Study-Millsboro-South Area Project  
Sussex County, Delaware*

Dear Mr. Blendy:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Delaware State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Wilson at 202-517- 0229 or via e-mail at [cwilson@achp.gov](mailto:cwilson@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs





Delaware Tribe Historic Preservation Representatives  
P.O. Box 64  
Pocono Lake, PA 18347  
[temple@delawaretribe.org](mailto:temple@delawaretribe.org)

September 20, 2016

Federal Highway Administration, Delaware  
Att: Nick Blendy  
1201 College Rd., Suite 201  
Dover, DE 19904

Re: US 113 North/South Study Millsboro South Area Project in Sussex County Delaware

Dear Nick Blendy:

Thank you for informing the Delaware Tribe regarding the above referenced project and supplying the draft MOA for our review. The Delaware Tribe is committed to protecting historic sites important to our tribal heritage, culture and religion. Please see the comments below:

WHEREAS, FHWA has consulted with the DE SHPO in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. § 300101 ET SEQ., and its implementing regulations (36 CFR Part 800) to resolve any adverse effects that may occur as a result of this Project; and

The Tribal Nations should be involved in the above process.

**Stipulations I, A- Identification and Evaluation**

The Tribal nations should be part of this process also. Consultation means an ongoing dialogue not simply informing the Tribal Nations of the resources found.

**Stipulations I, B- Effect Determination/Mitigation**

The Tribal Nations should be involved in a treatment plan on native American archaeological sites. This should include preservation in place of sites and the Tribal nations should be included in the discussion regarding long-term preservation and protection of the site.

Stipulation I, E & III- Please see the Inadvertent Discovery Policy of the Delaware Tribe at the end of the document. Please include this in your Discovery of and Treatment of Human Remains and Burials Plan.

We appreciate your cooperation and look forward to working together on our shared interests in preserving Delaware cultural heritage. If you have any questions, feel free to contact this office by phone at (610) 761-7452 or by e-mail at [temple@delawaretribe.org](mailto:temple@delawaretribe.org).

Sincerely,

A handwritten signature in black ink on a light-colored, textured background. The signature is cursive and appears to read "Susan Bachor".

Susan Bachor  
Delaware Tribe Historic Preservation Representative  
610-761-7452

Delaware Tribe of Indians  
Policy for  
Treatment and Disposition of Human Remains and Cultural Items  
That May be Discovered Inadvertently during Planned Activities

**Purpose**

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1. The federal agency shall contact the Delaware Tribe of Indians' headquarters at 918-337-6590 or the Delaware Tribe Historic Preservation Representatives at 610-761-7452, as soon as possible, but no later than three (3) days, after the discovery.
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7. If the remains and cultural items are left in-situ, no disposition takes place and the requirements of 43 CFR 10 Section 10.4-10.6 will have been fulfilled.
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9. If remains and funeral objects are to be removed from the site consultation will begin between the Delaware Tribe of Indians and the federal agency.



From: [Bonney Hartley](#)  
To: [Blendy, Nick \(FHWA\)](#)  
Cc: [Slavin, Timothy A \(DOS\)](#); [Davis, Gwen \(DOS\)](#); [Lukezic, Craig \(DOS\)](#); [Gilliam, LaTonya \(DelDOT\)](#); [Krofft, Heidi \(DelDOT\)](#); [Behrens, Bryan \(DelDOT\)](#); [Spadafino, George \(DelDOT\)](#)  
Subject: RE: US 113 nation to nation consultation with Stockbridge Munsee Community Band of Mohican Indians  
Date: Monday, September 19, 2016 2:28:15 PM

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Dear Nick:

Thank you for sending the US113 North/South Study Millsboro South Area project for review. On behalf of Stockbridge-Munsee Community I have completed Section 106 cultural resource review. We will opt not to consult on this project; we do not have known cultural areas within either proposed APE. No further information is needed.

Kind regards,  
Bonney

*Bonney Hartley*  
Tribal Historic Preservation Officer  
Stockbridge-Munsee Mohican Tribal Historic Preservation  
New York Office  
65 1st Street  
Troy, NY 12180  
(518) 244-3164  
[Bonney.Hartley@mohican-nsn.gov](mailto:Bonney.Hartley@mohican-nsn.gov)  
[www.mohican-nsn.gov](http://www.mohican-nsn.gov)

---

From: Blendy, Nick (FHWA) [mailto:Nick.Blendy@dot.gov]  
Sent: Wednesday, August 24, 2016 4:04 PM  
To: Bonney Hartley  
Cc: Slavin, Timothy A (DOS) (timothy.slavin@state.de.us); 'Davis, Gwen (DOS)'; Lukezic, Craig (DOS) (craig.lukezic@state.de.us); 'Gilliam, LaTonya (DelDOT)'; Krofft, Heidi (DelDOT) (Heidi.Krofft@state.de.us); Behrens, Bryan (DelDOT) (Bryan.Behrens@state.de.us); 'Spadafino, George (DelDOT)'  
Subject: RE: US 113 nation to nation consultation with Stockbridge Munsee Community Band of Mohican Indians

Bonney

Attached is nation to nation initiation letter and invitation for consultation for the US 113 North/South Study Millsboro South Area project. FHWA appreciates use of electronic exchange of information and respectfully requests a timely response directed to me. Please let me know of any questions. Thanks.

Nick

Nick Blendy  
FHWA Delaware, Environmental Specialist  
1201 College Rd Suite 201 Dover, DE 19904

302.734.2966

---

From: Bonney Hartley [<mailto:Bonney.Hartley@mohican-nsn.gov>]  
Sent: Friday, August 19, 2016 1:34 PM  
To: Blendy, Nick (FHWA)  
Cc: Krofft, Heidi (DelDOT) ([Heidi.Krofft@state.de.us](mailto:Heidi.Krofft@state.de.us)); Lukezic, Craig (DOS) ([craig.lukezic@state.de.us](mailto:craig.lukezic@state.de.us))  
Subject: RE: US 113 nation to nation consultation with Stockbridge Munsee Community Band of Mohican Indians

Hi Nick,

Yes, I would be the contact for Stockbridge-Munsee Community for any Section 106 requests for the state.

Thank you,

Bonney

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From: Blendy, Nick (FHWA) [<mailto:Nick.Blendy@dot.gov>]  
Sent: Thursday, August 18, 2016 11:02 AM  
To: Bonney Hartley  
Cc: Krofft, Heidi (DelDOT) ([Heidi.Krofft@state.de.us](mailto:Heidi.Krofft@state.de.us)); Lukezic, Craig (DOS) ([craig.lukezic@state.de.us](mailto:craig.lukezic@state.de.us))  
Subject: RE: US 113 nation to nation consultation with Stockbridge Munsee Community Band of Mohican Indians

Hello Bonney

Thank you. FHWA supports your preference for electronic files. You should expect a pdf of a nation to nation initiation letter to initiate nation to nation coordination with invitation for Section 106 consultation for the US 113 Millsboro South Area project in Sussex County Delaware, early next week.

By copy, DelDOT and DE SHPO staff are informed of you as the Stockbridge-Munsee Mohican Tribal Historic Preservation Officer for this Federal Highway Administration (FHWA) assisted project. Will you be the contact for all FHWA projects throughout State of Delaware? Thanks again, Nick

Nick Blendy

FHWA Delaware, Environmental Specialist  
1201 College Rd Suite 201 Dover, DE 19904  
302.734.2966

---

From: Bonney Hartley [<mailto:Bonney.Hartley@mohican-nsn.gov>]  
Sent: Thursday, August 18, 2016 10:20 AM  
To: Blendy, Nick (FHWA)  
Subject: RE: nation to nation consultation question

Hi Nick:

Email is fine or if you prefer my mailing address is below.

Thank you,

Bonney

*Bonney Hartley*

Tribal Historic Preservation Officer  
Stockbridge-Munsee Mohican Tribal Historic Preservation

New York Office  
65 1st Street  
Troy, NY 12180  
(518) 244-3164  
[Bonney.Hartley@mohican-nsn.gov](mailto:Bonney.Hartley@mohican-nsn.gov)  
[www.mohican-nsn.gov](http://www.mohican-nsn.gov)

---

From: Blendy, Nick (FHWA) [<mailto:Nick.Blendy@dot.gov>]  
Sent: Monday, August 15, 2016 9:06 PM  
To: Sherry White; Bonney Hartley  
Cc: Keeley Laura A (DelDOT) ([LauraA.Keeley@state.de.us](mailto:LauraA.Keeley@state.de.us)); 'Gilliam, LaTonya (DelDOT)'; Krofft, Heidi (DelDOT) ([Heidi.Krofft@state.de.us](mailto:Heidi.Krofft@state.de.us)); Jordan, Yolonda (FHWA)  
Subject: RE: nation to nation consultation question

Sherry  
Thank you. We will send consultation request to Bonney  
Nick

---

From: Sherry White [<mailto:sherry.white@mohican-nsn.gov>]  
Sent: Monday, August 15, 2016 5:45 PM  
To: Blendy, Nick (FHWA)  
Subject: Re: nation to nation consultation question

Bonney Hartley is the THPO for our tribe. Her contact is [Bonney.hartley@mohican-nsn.gov](mailto:Bonney.hartley@mohican-nsn.gov)

Sent from my iPhone

On Aug 15, 2016, at 4:39 PM, Blendy, Nick (FHWA) <[Nick.Blendy@dot.gov](mailto:Nick.Blendy@dot.gov)> wrote:

Hello Sherry  
The FHWA Delaware Division is preparing to initiate formal nation to nation consultation with the federally recognized Delaware Nation, the Delaware Tribe of Indians and Stockbridge Munsee Community Band of Mohican Indians tribes for the US 113 North/South Study Millsboro South Area project in Sussex County, Delaware. Do you remain the tribal contact and if the Stockbridge Munsee Community has interest in the Millsboro South Area project in Sussex County for Section 106 compliance? If so, would electronic exchange of consultation correspondence be acceptable? Please confirm by email response or if needed contact Nick Blendy at 302-423-3613.  
Thanks, Nick

Nick Blendy  
FHWA Delaware, Environmental Specialist  
1201 College Rd Suite 201 Dover, DE 19904  
302.734.2966





## **APPENDIX D: AGENCY CORRESPONDENCE**



IN REPLY REFER TO:

# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904

February 27, 2017

9043.1  
ER 17/0021

Mr. Nick Blendy  
Environmental Specialist  
Federal Highway Administration, DelMar Division  
J. Allen Frear Federal Building  
300 South New Street, Room 2101  
Dover, DE 19904

Dear Mr. Blendy:

The U. S. Department of the Interior (Department) has no comment at this time on the Supplemental DEIS and Section 4(f) Assessment for the US 113 North South Millsboro South Area Study, located in Sussex County, DE

Thank you for the opportunity to provide comments.

Sincerely,

Lindy Nelson  
Regional Environmental Officer



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

February 27, 2017

Ryan O'Donoghue, P.E.  
Area Engineer  
Federal Highway Administration, Delaware Division  
1201 College Park Road, Suite 102  
Dover, Delaware 19904

LaTonya Gilliam, P.E.  
Group Engineer, Environmental  
Delaware Department of Transportation  
800 Bay Road  
Dover, DE 19901

**Subject:** US 113 North/South Study, Millsboro-South Area Supplemental Draft Environmental Impact Statement, Sussex County, Delaware. CEQ# 20170003

Dear Mr. O'Donoghue and Ms. Gilliam:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, the U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the US 113 North/South Study, Millsboro-South Area. The EIS has been prepared by the Federal Highway Administration (FHWA) Delaware Division and the Delaware Department of Transportation (DelDOT).

The objective of the project is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic. The SDEIS was prepared to review changes made to the US 113 North/South Study: Millsboro-South Area since the publication of the Draft Environmental Impact Statement (DEIS) in 2013, to re-evaluate alternatives and their potential impacts. In response to comments on the DEIS, several changes have been made to the study including the elimination of a provision for a limited access roadway. DelDOT and FHWA decided to reconsider the Purpose and Need of the project, changing the focus to a Modified Yellow Alternative which is now referred to as the SDEIS Preferred Alternative. The SDEIS Preferred Alternative has significantly less environmental impacts than the DEIS Preferred Alternative, as the scope of construction has been reduced and is mostly within the existing alignment.

The SDEIS identifies 0.8 acres of impacts to palustrine forest wetlands within the Cow Bridge Branch-Indian River watershed, under the SDEIS Preferred Alternative. These impacts have been reduced from the 30.8 acres of wetland impacts under the 2013 DEIS Preferred Alternative. Stream



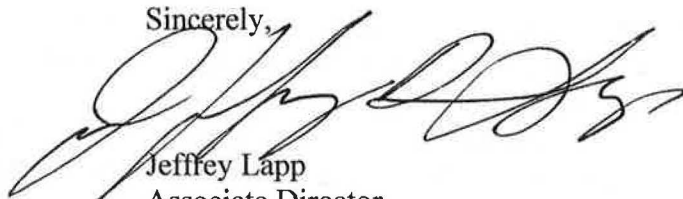
impacts have been reduced from 19,246 linear feet to 1,042 linear feet, while the number of impacted residents decreased from 173 to 6, number of business relocations decreased from 10 to 2, and agricultural land impacts have been reduced from 721 to 151 acres. The location of SDEIS Preferred Alternative avoids the Doe Bridge Nature Preserve; it would now be at least 500 feet from the southern border of the preserve, reducing forest land impacts to 11.4 acres. These impacts are greatly reduced when compared with the DEIS Preferred Alternative and we encourage the continued minimization of impacts to the human and natural environment when working through design and implementation of the project. EPA appreciates the consideration given to infrastructure resiliency in the NEPA analysis; continued assessment of climate trends and sustainable design is recommended through project development.

As a way of evaluating NEPA projects, EPA has developed a set of criteria for rating Draft Environmental Impact Statements. The rating system provides a basis upon which EPA makes recommendations to the lead agency. Based on this rating system, EPA has previously rated the 2013 US 113 North/South Study, Millsboro-South Area DEIS as an Environmental Concerns 2 (EC-2). Based on corrective measures, refocusing of the SDEIS, and significant reduction of environmental impacts, EPA has rated the SDEIS for the project as a Lack of Objections (LO). This rating means that our review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. Our review, however, does disclose opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action (below). A copy of our rating system can be found here: <https://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>

1. We encourage continued coordination with DNREC's Division of Fish and Wildlife to refine post-construction mitigation for high-quality palustrine forested wetlands and also to define the extent of buffers around existing Bald Eagle nests near Millsboro Pond.
2. Please consider disclosing, prior to construction, DelDOT's plans to address Delaware's *Landscaping and Reforestation Act* for mitigation/replacement of the 11.4 acres of forestlands impacted by construction and operation of the SDEIS Preferred Alternative. Consideration could be given to areas which would augment or expand established forested areas.

EPA appreciates the FHWA and DelDOT's efforts of early coordination throughout the development of the SDEIS and looks forward to continued cooperation in the development of the Final Environmental Impact Statement. If you have any questions regarding our comments, please feel free to contact me at (215) 814-2717 or the staff contact, Aaron Blair at (215) 814-2748.

Sincerely,



Jeffrey Lapp  
Associate Director  
Office of Environmental Programs



**Mayor and Council  
The Town of Millsboro**

322 Wilson Highway  
Millsboro, Delaware 19966  
(302) 934-8171  
(302) 934-7682 (Fax)  
town@millsboro.org

Mayor John Thoroughgood, District 2

Vice Mayor Michelle Truitt, District 3  
Pro Tem Tim Hodges, District 1  
Secretary James Kells, District 3  
Treasurer Bradley Cordrey, District 1  
Councilperson Ron O'Neal, District 2  
Councilperson Larry Gum, At Large

*Sheldon P. Hudson, Town Manager*

February 28, 2017

The Honorable Jennifer Cohan  
Secretary  
Delaware Department of Transportation  
800 Bay Road  
PO Box 778  
Dover, Delaware 19903

**RE: SR 24/US 113 Improvements Project**

Dear Ms. Cohan:

First of all, the Millsboro Town Council would like to thank you and the Delaware Department of Transportation for making the SR 24/US 113 improvements project one of its top priorities. The Town Council is also appreciative of the efforts made by governors Carney and Markell, Senator Hocker, Representative Collins, and Councilman Arlett—among others—in this regard.

While generally supportive of the project, Council would respectfully request that your department *thoughtfully* consider the following input *and enter it into the official record*:

1. Build the SR 24 connector and make the below-mentioned improvements to the US 113/SR 24 intersection *first (exclusively if possible)*.
  - As you know, the most immediate need is to address the traffic situation along SR 24 from Kendall Street (west/south of US 113) east to the location near Mountaire. While the planned installation of a traffic signal at Hollyville and Jersey roads may provide a measure of relief in this regard, far more will need to be done.
  - On SR 24 just west/south of US 113, 4 lanes are needed—a westbound “straight”/right-turn lane, a westbound left-turn lane, an eastbound straight lane, and a *significantly-extended* eastbound right-turn lane.

The Honorable Jennifer Cohan  
February 28, 2017  
Page 2

- 4 lanes are needed on SR 24 just east/north of US 113 as well—an eastbound lane, a westbound left-turn lane, a westbound straight lane, and a westbound right-turn lane.
- 2. Limit the creation of culs-de-sac and the elimination of crossovers so as to avoid further effectively separating the Town into 2 components.
- 3. Synchronize the various signal lights, and consider adding new ones at the intersection of US 113 and Delaware Avenue and elsewhere.

In addition to asking that the above comments be taken into account, Council would request that the Department provide an updated estimated start date for the project.

Thank you in advance. If you have any questions, please feel free to contact me.

MAYOR AND COUNCIL OF  
THE TOWN OF MILLSBORO

  
John Thoroughgood  
Mayor

JT/sh

cc: Sen. Gerald Hocker  
Rep. Richard Collins  
Councilman Robert Arlett  
Mr. Sheldon Hudson, town manager





STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL**  
**OFFICE OF THE SECRETARY**

DELAWARE COASTAL  
MANAGEMENT PROGRAM

100 W. WATER STREET, SUITE 7B  
DOVER, DELAWARE 19904

Phone: (302) 739- 9283  
Fax: (302) 739-2048

March 17, 2017

Mr. Bryan Behrens  
DelDOT Project Manager  
P.O. Box 778  
Dover, DE 19903

**Re: US 113 North / South Study Area**  
**Millsboro-South Area Supplemental Draft Environmental Impact Statement**

Dear Mr. Behrens:

The Department of Natural Resources and Environmental Control (DNREC) review team appreciates the opportunity to comment on the Millsboro-South Area Supplemental Draft Environmental Impact Statement (SDEIS). This document addresses the proposed construction of highway improvements to the Route 113 and Route 24 area in Millsboro area and Route 113 through and south of Millsboro.

Representatives of DNREC review team includes representatives from the Coastal Programs, Wetlands and Subaqueous Lands Section, the Species Conservation and Research Program, and Natural Areas Program who have participated in the development of this SDEIS, along with other state and federal agencies. DNREC scientists have provided resource specific data and information, attended regular agency coordination meetings and on-site reviews of this project area. Detailed comments were sent in a letter dated October 18, 2013, from former DNREC Secretary Collin O'Mara in response to the Draft EIS (DEIS). At that time, DelDOT had chosen the Blue Alignment as their preferred alternative. The letter detailed our collective assessment of all alternatives presented in the DEIS, and stated our preference for the Yellow on-alignment alternative as the least impactful to natural resources.

*Delaware's good nature depends on you!*

The currently proposed highway improvements include an on-alignment widening of Route 113 from four to six lanes from Sheep Pen Ditch to Route 20, and an off-alignment construction of a new two-lane connector between SR 24 and Route 113 through Millsboro Pond.

#### Route 113- On-Alignment Construction

The on-alignment Yellow alternative chosen by DelDOT has fewer impacts than alternative routes previously developed. This route has the least impact to wetlands, waters, forest and sensitive habitats. The use of an existing transportation corridor reduces habitat fragmentation and impacts in other less disturbed areas. Although final design plans have not been completed, it appears that this alignment will effectively minimize the environmental impacts from construction. The DNREC review team supports this alignment.

#### Route 24 Connector

The connector route has been determined necessary by DelDOT to relieve traffic congestion in downtown Millsboro. The connector crosses the northern portion of Millsboro Pond directly south of Doe Bridge Nature Preserve.

#### Doe Bridge Nature Preserve

The DOE Bridge Nature Preserve consists of 496 pristine acres and is one of the most spectacular and distinctive environments within our state. The juxtaposition of a variety of uncommon and unique habitat types occurring together is significant and results in a highly diverse flora and fauna.

The vast array of plants and animals occurring at the Doe Bridge Nature Preserve includes 16 state/federal, and globally rare species, 33 species of state uncommon plants, and 10 vegetative communities (including communities that host 11 species of peat moss, a diversity not known anywhere else in Delaware). It is noted that Table 3-18 in the SDEIS does not include Chermock's Mulberry Wing (*Poanes massasoit massasoit*). This butterfly is of the highest degree of global and state rarity and has been documented in the nature preserve. It is the opinion of the Species Conservation and Research Program that this species may utilize resources within the project's study area and should be included in any table or list of species that might be impacted by the US North/South US 113 project.

Although the current alignment does not encroach upon the dedicated boundaries of the nature preserve, the roadway will eliminate or fragment habitat that currently serves as important buffer and provides resources to the species in the preserve. These resources will no longer be available to the Doe Bridge Nature Preserve species. This impacted area is classified as a Natural Area, which does not have the same protected status as a nature preserve, but is still high quality habitat.

Invasive species are expected to take advantage of the areas disturbed by construction. It is likely that this will increase invasive species within the nature preserve due to its adjacency. Noise disturbance during construction may negatively impact faunal species within the preserve. After construction, noise disturbance will increase overall due to new traffic patterns.

### Millsboro Pond

In addition to the comments regarding Millsboro Pond included in DNREC's comment letter of October 18, 2013, the DNREC review team offers the following comments and recommendations: The area of the proposed crossing of Millsboro Pond includes shallow water habitat suitable for spawning by species in the sunfish family (Centrarchidae), which includes Largemouth Bass as well as Bluegill and Black Crappie. These species are nest-builders and sediments suspended by project activities could impact nesting activities and larval survival. In addition, there is a potential for direct habitat loss from the road crossing and associated structures.

The pond receives heavy fishing pressure, thus successful spawning and recruitment into the fishery is important. According to data from a 2013 state-wide survey of anglers that freshwater fish in Delaware, Millsboro Pond was one of the most heavily fished (angler hours) ponds in Delaware. In addition, according to anglers that target specific species, Largemouth Bass was the most targeted by anglers of all age groups, non-resident and resident. The pond is also a popular Largemouth Bass tournament location. Due to the importance of the recreational fishery at the pond and the sensitivity of key fish species that breed there, the team recommends that construction activities that are likely to introduce sediment into the pond be avoided to the greatest practicable extent between April 1 and July 15.

DNREC is willing to assist in developing plans to minimize and restore disturbance from construction, and to mitigate for impacts from noise and light pollution. We will continue to provide the expertise of our programs as we strive to balance transportation needs and natural resource protections; and we look forward to working with you and the Project Team during permitting and construction of the project. Please contact Tricia Arndt of



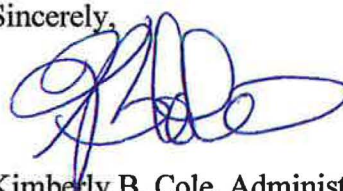
Coastal Programs at 302-739-9283 or at [Tricia.Arndt@state.de.us](mailto:Tricia.Arndt@state.de.us) ; or Joanne Lee of the Wetlands and Subaqueous Lands Section at 302-739-9433 or at [Joanne.Lee@state.de.us](mailto:Joanne.Lee@state.de.us) with questions regarding our comments or for more information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven Smailer', with a long horizontal flourish extending to the right.

Steven Smailer, Section Manager  
Wetlands and Subaqueous Lands Section

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kimberly B. Cole', with a large, stylized loop at the end.

Kimberly B. Cole, Administrator  
Delaware Coastal Programs

Cc: Kara Coats, DNREC Deputy Secretary  
Virgil Holmes, DW  
David Saveikis, DFW  
Ray Bivens, DP



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**

800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

April 21, 2017

The Honorable John Thoroughgood  
Town of Millsboro  
322 Wilson Highway  
Millsboro, DE 19966

Re: US 113 North/South Study  
Millsboro-South Supplemental Draft Environmental Impact Statement (SDEIS)  
Millsboro Pond Impacts

Dear Mayor Thoroughgood:

As mentioned in the letter from Secretary Cohan, dated March 21, 2017, the Delaware Department of Transportation (DelDOT) and Federal Highway Administration (FHWA) are working to complete the Final Environmental Impacts Statement (FEIS) for the Millsboro-South Area. As we continue to address comments received from the public hearing conducted on February 7, 2017, we are also working to address the potential impacts to the Millsboro Pond. During a meeting with you and the Town Manager on August 16, 2016, we discussed the Millsboro Pond and its status as a public recreation area as defined by current FHWA regulations. Following a discussion with the Millsboro Town Council on September 6, 2016, you submitted a letter on October 3, 2016 noting that "construction of the Bypass would likely have a de minimis impact on the Town and its residents from a recreational perspective."

We understand that the Town Council may not feel qualified to define the recreational significance of the pond; therefore, the purpose of this letter is to request your concurrence that the potential impacts related to construction of the SR 24 Connector will not adversely affect the activities, features, and attributes of the Millsboro Pond. These anticipated impacts include the acquisition of approximately 1.65 acres of right-of-way and approximately 0.20 acres of impact resulting from the construction of bridge piers in the pond. The proposed bridge crossings of the pond will also be designed to maintain at least six feet of clearance to allow for continued recreational access for boats and other small watercraft.

If you concur with our assessment, please return the signed concurrence block on the following page to myself at your earliest convenience, but no later than May 12, 2017. If you have any questions or need additional information, please contact me at 302-760-2356.

Sincerely,



George Spadafino,  
Regional Group Engineer

cc: Rob McCleary, Chief Engineer  
Shante' Hastings, Deputy Director, DOTS  
Mike Simmons, Assistant Director, DOTS  
Bryan Behrens, Regional Group Engineer  
Mark Whiteside, Project Manager, DOTS



## **THE TOWN OF MILLSBORO CONCURRENCE WITH FHWA SECTION 4(F) APPLICABILITY CRITERIA FOR DE MINIMIS IMPACTS ON THE MILLSBORO POND**

Regarding the proposal to construct the SR 24 Connector as part of the Preferred Alternative for the Millsboro-South Area, the Town of Millsboro has determined that the Millsboro Pond is a significant property and concurs that the acquisition of 1.65 acres of fee simple right of way will not permanently adversely affect the Millsboro Pond. The Town further concurs that, based upon current design information and the commitment on the part of DelDOT to minimize disturbance within the recreation area, impacts to the property that could be expected to result from the project will not adversely affect activities, features, and attributes of the recreational facility. The Town of Millsboro hereby acknowledges that DelDOT will provide notice and opportunity for public review and comment, consistent with federal guidelines. This concurrence does not constitute an endorsement of the project or conveyance of any temporary or permanent interests in or access to other resources within the project area. This concurrence is provided with the understanding that further design information is to be provided to the Town by DelDOT during project development and that further consultation with the Town will be undertaken by DelDOT to ensure, prior to granting of any temporary or permanent property interests, that harm to the recreation property by the proposed project will be minimized and the conditions upon which this concurrence is based have not changed.

  
Signature

4-26-2017  
Date



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

September 15, 2017

Mr. Spencer Stevens  
Acting Division Administrator  
Federal Highway Administration  
Delmarva Division  
1201 College Park Road, Suite 102  
Dover, DE 19904

Dear Mr. Stevens:

The purpose of this letter is to provide supporting information that demonstrates DelDOT's commitment to fund improvements along the US 113 corridor in Millsboro, Sussex County, Delaware from 0.5 miles north of Patriots Way/Sheep Pen Road to the Maryland State Line. DelDOT is formally requesting the Federal Highway Administration's (FHWA) Record of Decision (ROD) in conjunction with the combined Final Environmental Impact Statement (FEIS)/ROD that was completed for the Millsboro-South Area as part of the US 113 North/South Study.

Due to the expected future land development and economic growth in Sussex County and the increased use of the resort area in southeastern Sussex County (both in the summer and year round), regional traffic traveling through the Delmarva Peninsula is expected to increase substantially during the next 25 years. The purpose of the US 113 improvements is to preserve mobility for local residents and businesses while providing highway improvements that would reduce congestion, decrease accidents, and accommodate anticipated growth in local, seasonal, and through traffic.

In the Millsboro-South Area, the project team developed the Modified Yellow Alternative with the intention of keeping US 113 along its existing alignment while providing an SR 24 connector road to bypass the Town of Millsboro. It is anticipated that this recommended preferred alternative will accommodate traffic growth in the corridor while improving the safety and capacity of the facility and minimizing property impacts.

The Modified Yellow Alternative consists of:

- Widening US 113 to provide one additional lane northbound and southbound from Betts Pond Road to SR 20 (Dagsboro Road)
- Constructing a new, two-lane SR 24 connector road
- Construct a new grade separated intersection at US 113 and the SR 24 connector
- Intersection improvements at US 113 and existing SR 24
- Removal of several unsignalized crossovers along US 113 between Betts Pond Road to SR 20



- Widening existing shoulders to maintain right-in/right-out movements for existing access and consolidating access points where possible

Although the Modified Yellow Alternative includes multiple components, the first priority would be to construct the SR 24 connector, which includes the new grade separated intersection at US 113.

In DelDOT's most recent update to the Capital Transportation Program (CTP) FY 2017 – FY 2023, funding is programmed for the SR 24 connector and associated grade separation beginning in FY 2018.

**Table 1: SR 24 Connector and US 113 at SR 24 Grade Separation**

Phase	Year	Funding (millions)
Preliminary Engineering (PE)	FY 2018	\$4.0
Right-of-Way (ROW)	FY 2021	\$15.0
Construction (C)	FY 2023	\$85.0
<b>Total</b>		<b>\$104.0</b>

It is anticipated that the funding summarized above is reasonably expected to be available to begin the project within the referenced time frame.

Your approval of the US 113 Millsboro-South combined FEIS/ROD will allow DelDOT to proceed with the proposed improvements in the Millsboro-South Area and will assist in developing the framework for subsequent phases of the preferred alternative.

If you have questions or comments, please contact Mr. George Spadafino from Project Development by e-mail at [George.Spadafino@state.de.us](mailto:George.Spadafino@state.de.us) or by phone at 302-760-2356. As always, please feel free to contact me directly.

Sincerely,



Robert B. McCleary, P.E.  
Chief Engineer

RM:gs/bmc

cc: Bryan Behrens, Project Development  
George Spadafino, Project Development  
Mark Whiteside, Project Development  
Nick Blendy, FHWA Environmental Specialist





## FEDERAL HIGHWAY ADMINISTRATION

### RECORD OF DECISION

### US 113 NORTH/SOUTH STUDY: MILLSBORO-SOUTH AREA

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## A. Administrative Action

- ☐ Supplemental Draft Environmental Impact Statement
- ☐ Section 4(f) Evaluation
- ☐ Final Environmental Impact Statement
- ☒ Record of Decision

## B. Informational Contacts

Project information, including an electronic version of this document, is available on the project website, <http://deldot.gov/information/projects/us113/>. Additional information concerning this project may be obtained by contacting:

Mr. Ryan O'Donoghue, P.E.  
Area Engineer  
Federal Highway Administration, Delaware Division  
1201 College Park Road, Suite 102  
Dover, Delaware 19904  
Telephone: 302-734-2745  
8:30 AM to 4:30 PM

Mr. Nick Blendy  
Environmental Specialist  
Federal Highway Administration, Delaware Division  
1201 College Park Road, Suite 102  
Dover, Delaware 19904  
Telephone: 302-734-2966  
8:30 AM to 4:30 PM

Ms. LaTonya Gilliam, P.E.  
Group Engineer, Environmental  
Delaware Department of Transportation  
800 Bay Road  
Dover, Delaware 19901  
Telephone: 302-760-2095  
8:00 AM to 4:00 PM

Mr. Bryan Behrens, P.E.  
Project Manager  
Delaware Department of Transportation  
800 Bay Road  
Dover, Delaware 19901  
Telephone: 302-760-2756  
8:00 AM to 4:00 PM

Mr. George Spadafino, P.E.  
Group Engineer  
Delaware Department of Transportation  
800 Bay Road  
Dover, Delaware 19901  
Telephone: 302-760-2356  
8:00 AM to 4:00 PM



## C. Decision

This Record of Decision (ROD) documents the Federal Highway Administration's (FHWA's) decision with regard to the US 113 North/South Study: Millsboro-South Area. In making its decision, FHWA considered the information and analysis included in the Draft, Supplemental Draft, and Final Environmental Impact Statements (DEIS, SDEIS, and FEIS, respectively), as well as public and agency comments.

This ROD has been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 USC, §4321 *et seq.*) and the Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR, Parts 1500-1508).

The DEIS was released for public review and comment on August 16, 2013. DEIS Public Hearings were held on September 18 and 19, 2013 and were followed by a comment period ending October 4, 2013. Due to public opposition, the Delaware Department of Transportation (DelDOT) and the FHWA agreed to reconsider the Purpose and Need of the project and the limits of the project area. An SDEIS was prepared pursuant to 23 CFR §771.130 to review changes made to the US 113 North/South Study: Millsboro-South Area since the publication of the DEIS. The SDEIS was released for public review and comment on December 9, 2016 followed by a formal comment period ending on February 28, 2017. A Public Hearing was held on February 7, 2017. All comments received, including written comments and Public Hearing testimony, are included in **FEIS Appendix B** with responses.

The FEIS reflects the updated Purpose and Need and the modified alternative that meets the new Purpose and Need.

In consideration of the analysis in the DEIS, SDEIS, FEIS, and substantive agency and public comments, FHWA selects the Preferred Alternative identified in the FEIS (Modified Yellow Alternative). The Preferred Alternative, or Modified Yellow Alternative, is hereafter referred to as the Selected Alternative in this ROD. Of the alternatives considered, the Selected Alternative best meets the project's Purpose and Need while minimizing environmental impacts. The Selected Alternative will preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic.

## D. Purpose and Need

In response to comments on the DEIS, the provision for a limited access roadway was removed from the Millsboro-South Area of the project. The purpose of the US 113 North/South Study: Millsboro-South Area is to preserve mobility for local residents and businesses while providing highway improvements that reduce congestion, decrease frequency and severity of accidents, and accommodate anticipated growth in local, seasonal, and through traffic. The needs of the US 113 North/South Study: Millsboro-South Area project are: (1) meeting the growing traffic demand created by existing and future development; (2) addressing safety issues; (3) preserving a transportation corridor; (4) considering modal interrelationships; and (5) maintaining consistency with state and local plans for transportation systems.





## E. Alternatives Considered

DelDOT has identified the Selected Alternative through a comprehensive screening of alternatives to meet the Purpose and Need for the project, as documented in the DEIS, SDEIS, and FEIS.

### Alternatives Development and Screening

Four broad-ranged concepts were initially considered in the project development process including No-build, Transportation Systems Management (TSM), Mass Transit, and build alternatives. The last consisted of several build alternatives, utilizing both the existing alignment of US 113 and new locations (eastern and western bypasses). DelDOT determined that the Mass Transit and TSM alternatives would not meet the Purpose and Need for the project, so these alternatives were removed from consideration. The build alternatives were carried forward for further evaluation in comparison to the No-build Alternative.

Initially, 20 individual segments were combined to create bypass alternatives and an on-alignment alternative. Based on evaluations of the environmental impacts of the build alternatives and their ability to meet project purpose and need, as well as engineering considerations, resource agency consultation and coordination, and public input, numerous segments and alternatives were eliminated from consideration. One on-alignment alternative and four bypass alternatives, along with the No-build Alternative, were retained for further study.

The build alternatives retained for detailed study were designated by colors. The on-alignment alternative was named Yellow, the western bypasses were named Green and Purple, and the eastern bypasses were named Red and Blue. The Yellow, Green, Purple, Red, Blue, and No-build Alternatives were evaluated in the DEIS, in which DelDOT identified the Blue Alternative as the DEIS Preferred Alternative.

DelDOT subsequently reconsidered the findings of the DEIS in response to public opposition to the Blue Alternative, and modified the Purpose and Need for the project to remove the provision for a limited access roadway. The SDEIS was developed to evaluate the Modified Yellow Alternative, which was carried forward as the Preferred Alternative in the FEIS and identified in this ROD as the Selected Alternative. The Modified Yellow Alternative (Selected Alternative) is described below.

### Environmentally Preferred Alternative

Among all alternatives considered, the No-build Alternative would have the least impact to the biological, physical, and human environment. However, there are impacts to the human environment that will persist under the No-build Alternative such as the transportation problems experienced by the traveling public that the Selected Alternative is intended to address. Among the alternatives meeting the Purpose and Need for the project, the Selected Alternative has the least impact on the biological, physical, and human environment. **Section K** of this ROD describes the measures and commitments included in the Selected Alternative for avoidance, minimization, and mitigation of environmental impacts.



## F. Description of Selected Alternative

The Selected Alternative includes building a two-lane State Route (SR) 24 Connector on new alignment, along with widening a segment of the existing alignment of US 113 in Millsboro from four to six lanes. The Selected Alternative will retain the existing typical section of US 113 and at-grade access, both signalized and unsignalized, south of Millsboro between the SR 20 (Dagsboro Road) intersection with US 113 and the Delaware/Maryland state line. US 113 will be widened from four to six lanes beginning at the SR 20 intersection with US 113, south of Millsboro, extending approximately 2.8 miles north to Betts Pond Road. A majority of the widening will be constructed in the existing grass median or within the existing right of way in areas where the grass median is too narrow. The Selected Alternative will eliminate six unsignalized crossovers while retaining the four existing signalized intersections along this stretch of roadway.

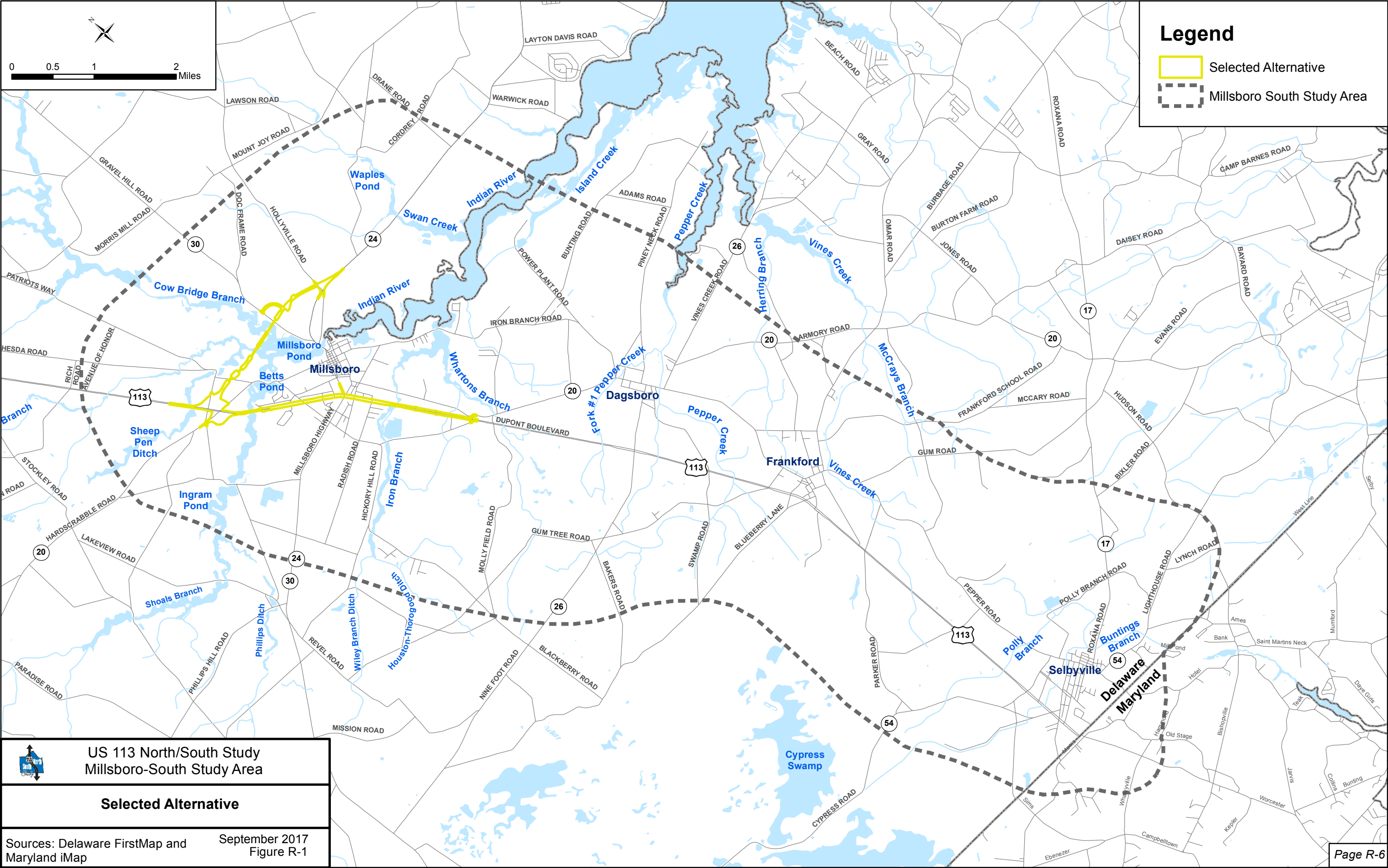
The new two-lane SR 24 Connector will tie into a realigned segment of SR 20 (Hardscrabble Road) west of US 113 and cross US 113 about 300 feet north of the existing intersection with SR 20 at a new grade-separated interchange. The SR 24 Connector will tie into existing SR 24 about 2.3 miles east of US 113, which is about one mile east of the existing SR 24 crossing near Millsboro Pond. Access will be provided from the SR 24 Connector to SR 30.


Minor refinements were made to the Selected Alternative in response to public comments received on the SDEIS. The cul-de-sacs previously included at Monroe Street, Wharton Street, and Houston Avenue have been removed; all three locations will retain right-in/right-out access to US 113. **Figure R-1** shows the study area and the Selected Alternative.

## G. Rationale for Selection

The Selected Alternative has been identified, in consideration of public and agency input, as the alternative that will best meet the Purpose and Need while minimizing environmental impacts. The Selected Alternative will meet all elements of the Purpose and Need including: (1) meeting the growing traffic demand created by existing and future development; (2) addressing safety issues; (3) preserving a transportation corridor; (4) considering modal interrelationships; and (5) maintaining consistency with state and local plans for transportation systems.

The Selected Alternative will accommodate growing traffic demand in the study area. Future land development and economic growth in Sussex County and its municipalities, the increased use of the resort area in southeastern Sussex County (both in the summer and throughout the year), and the projected increase in regional traffic traveling through the Delmarva Peninsula all contribute to the need to increase accessibility and mobility in the study area.





US 113 North/South Study

Millsboro-South Study Area

Selected Alternative

Sources: Delaware FirstMap and Maryland iMap

September 2017  
Figure R-1





Additionally, the Selected Alternative will remove several crossovers on US 113, provide additional turn lanes, and improve congestion by adding capacity. These modifications are expected to improve safety conditions in the study area. Emergency service response and emergency evacuation will be improved under the Selected Alternative. The proposed improvements along US 113 and SR 24 in the Millsboro-South Area will provide additional traffic capacity, leading to safer and more efficient response times for emergency services and evacuations during emergencies. Additionally, some of the existing crossovers may be converted to serve only emergency services when needed.

Preserving a transportation corridor north-south along US 113 has been a priority throughout Sussex County since the US 113 North/South Study was initiated in the early 2000s. While the on-alignment improvements to US 113 no longer include the provision of limited access, the proposed improvements will increase the compatibility of the Millsboro-South Area with the connecting sections of US 113 north and south of the study area. The Millsboro-South Area is an important link within the corridor that, when deficiencies are addressed, will establish system compatibility and continuity and permit US 113 to more effectively serve future transportation needs.

The Selected Alternative has been developed in consideration of public and agency input. The earlier Blue Alternative, identified as the Preferred Alternative in the DEIS, was reconsidered in response to public concerns regarding the environmental impacts and property acquisition required. The extent of new roadway alignment has been significantly pared down in the Selected Alternative and DelDOT has worked with the public to avoid and minimize impacts along the alignment wherever possible. The SR 24 Connector, paired with improvements to existing US 113, will fully meet the current Purpose and Need for the project while reducing and avoiding impacts to the maximum extent possible. Furthermore, the Selected Alternative maintains consistency with multiple state and local programs and plans to accommodate future development without degradation of the capacity of US 113.

## H. Summary of Potential Impacts

The impacts of the Selected Alternative as compared to the No-build Alternative are summarized in **Table R-1**. These impacts are calculated based on the limits of disturbance, as determined by the level of design at the time of analysis, and may change as the design is refined. Details regarding the proposed impacts of the Selected Alternative may be found in **Chapter 3** of the **FEIS**.

## I. Section 4(f) Resources

Based on the Section 4(f) analysis and consultation with officials with jurisdiction conducted to date, the FHWA has determined that the Selected Alternative will have a *de minimis* impact to Millsboro Pond. The impact to the property's key features would be minimal, and would only convert an estimated 1.65 acres to a transportation use, with an additional 0.2 acres required for temporary use for the construction of bridge piers in the pond. Millsboro Pond has a total size of approximately 151 acres. The Preferred Alternative would be designed to maintain at least six feet of clearance to allow for continued recreational access for boats and other small watercraft. The Preferred Alternative would not disrupt access via the DNREC boat ramp on SR 30. No other



properties will incur a Section 4(f) use. Agency comments and public input on the project have been shared with jurisdictional officials consistent with 23 CFR 774.5(b). More information is included in **Section 3.6** of the **FEIS**.

**Table R-1: Impact Summary**

Resource	No-Build Alternative	Selected Alternative
<b>Length</b> (miles)	0	5.1
<b>Preliminary Cost</b> (millions of dollars)	0	\$96-\$116
<b>Wetlands</b> (acres)	0	0.8
<b>Stream Impacts</b> (linear feet)	0	1,042
<b>Subaqueous Lands</b> (linear feet)	0	1,042
<b>Tax Ditches</b> (linear feet)	0	0
<b>Rare, Threatened and Endangered Species</b> (number)	0	14
<b>Prime Farmland Impacts</b> (acres)	0	4.6
<b>Cultural Resources Impacts</b>		
# NRHP Listed/Eligible Sites Potentially Impacted	0	2
# Known Archaeological Sites in the Limits of Disturbance	0	0
<b>Properties Potentially Subject to Section 4(f)</b>		
# Publicly-owned Parks and Recreation Areas	0	1
# Cultural Resources <sup>1</sup>	0	2
<b>Section 6(f) Property Impacts</b>		
Properties Purchased with Land and Water Conservation Fund	0	0
<b>Natural Area Impacts</b>		
State Nature Preserves (acres)	0	0
<b>Environmental Justice</b> (Disproportionate and Adverse Impacts)		
Populations in Poverty	No	No
Minority Populations	No	No
<b>Community Facilities Impacts</b>		
Schools	0	0
Churches	0	1
Cemeteries	0	0
Parks and Recreational Facilities	0	0
<b>Relocations</b>		
# of Residential Properties	0	4
# of Business Properties	0	2
# of Agricultural Properties	0	1
# of Other Properties/Non-Profits	0	0
<i>Total</i>	0	7
<b>Other Considerations</b>		
Agricultural District Impacts (number / acres)	0 / 0	1 / 2.0
Agricultural Preservation Easement Impacts (number / acres)	0 / 0	0 / 0
Forest Land Impacts: 2007 Land Use (acres)	0	11.4
Air Quality (Number of sites that exceed NAAQS for CO)	0	0
Noise Impacts	0	54

*Note: The data in this table are from a variety of sources and from different dates. More details are provided in Chapter 3.*

*1. The Perry Shockley House referenced in the DEIS has been demolished.*



## **J. Avoidance and Minimization**

DelDOT has worked continually throughout the alternatives development process to avoid and minimize environmental harm wherever possible. The Selected Alternative identified in this ROD will meet the Purpose and Need of the project while minimizing overall environmental harm. The Modified Yellow Alternative was identified in the SDEIS as a less impactful alternative compared to the Blue Alternative, which was identified in the DEIS as the Preferred Alternative. The Blue Alternative included a significantly longer portion of new roadway alignment requiring substantial acquisition of property, displacements, and impacts to wetlands, habitat, and waterways. The Selected Alternative will substantially reduce impacts to all environmental resources due to a much shorter proposed new roadway alignment.

The SR 24 Connector alignment was developed through an iterative design process whereby environmental impacts were minimized and avoided. DelDOT considered agency and property owner input throughout the design process, and the resulting alignment will have minimal impact to property owners, businesses, community facilities, agriculture, natural resources, and other environmental resources in the vicinity. Of particular note, the alignment was designed to avoid impacts to the Doe Bridge Nature Preserve and minimize impacts to Millsboro Pond. DelDOT will continue to seek avoidance, minimization, and mitigation measures through final design and construction.

### **Socioeconomic, Land Use, and Community Facilities**

The Selected Alternative has been designed to minimize and avoid impacts to residences, land uses, and businesses. As detailed in the SDEIS, impacts to socioeconomic resources have been substantially reduced relative to the Blue Alternative. Overall, the Selected Alternative will have minimal adverse impacts to residential communities, community facilities, and businesses. The Selected Alternative was designed to avoid and minimize impacts to recreation at Millsboro Pond, and will have a *de minimis* impact per Section 4(f) on the recreational facility. The alignment was designed to minimize the footprint of the crossing over the pond, and to avoid affecting existing recreational uses.

### **Cultural Resources**

Throughout the NEPA process, environmental analysis, and agency coordination, DelDOT has consulted with the State Historic Preservation Office (SHPO) and the Sussex County Preservation Planner about the project's potential effect on historic properties. The public, including impacted or involved historic property owners, has been consulted throughout the planning process.

### **Natural Environment**

The Selected Alternative has been designed to avoid and minimize natural environmental impacts where possible. The length of new roadway alignment has been substantially reduced from the Blue Alternative. The Selected Alternative will have substantially less impact to forests, waters, wetlands, habitat, and other natural resources. The alignment minimizes impacts to Millsboro Pond. Construction of the bridge over Betts Pond will stay within the existing right of way of US 113 and is not likely to impact the pond further. The Selected Alternative was conceptually located to avoid any impact to the Doe Bridge Nature Preserve. Because the main alignment of the SR 24





Connector would be located at least 500 feet from the southern border of the Doe Bridge Nature Preserve, no impacts to the nature preserve would occur.

## **K. Mitigation Commitments**

This section describes the mitigation commitments included in the Selected Alternative to address environmental impacts that could not be avoided or minimized. DelDOT will implement these mitigation commitments and continue to seek further opportunities to reduce and mitigate impacts throughout the final design and construction process.

### **Socioeconomic and Land Use**

For relocations, owners would be provided assistance in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*, as amended, and DelDOT's policies. Relocation assistance would be provided to businesses, residences, and farms displaced by the construction of the Selected Alternative. In the case of agricultural preservation lands, compensation would be determined based on the "highest and best development use of the property with no consideration given to the restrictions and limitations" of the preservation agreement (3 *Delaware Code, Chapter 9, Subchapter IV, Section 922*). Compensation would also be provided for any farmland that may be unsuitable or inaccessible for farming purposes as a result of the roadway improvements. Additionally, DelDOT will consult with the owners/developers of planned developments at Del Pointe, Plantation Lakes, and other affected planned development areas to provide appropriate compensation for property acquisitions. The project's Relocation Plan will be available for review in project administrative files maintained by DelDOT.

### **Community Facilities**

Coordination will continue through final design and construction of the Selected Alternative to ensure minimal disruption to community facilities and services. DelDOT will coordinate with the Indian River School District to minimize disruptions to school bus routes. Delays in emergency response times may occur during construction. However, coordination with emergency providers will occur prior to and during construction to minimize impacts. If any graves are identified during construction of the Selected Alternative, DelDOT would seek to avoid direct impacts to those areas.

### **Cultural Resources**

The Section 106 Memorandum of Agreement (MOA) has been developed to formalize Section 106 consultation, resolve adverse effects, and present a mitigation plan for all adversely affected historic properties, including a plan to identify and evaluate archaeological sites (**FEIS Appendix C**). On August 24, 2016, FHWA notified the Advisory Council on Historic Preservation (ACHP) and the federally-recognized Native American tribes of the revised draft MOA including the intent to include a copy of the Draft MOA in the SDEIS.

If eligible archaeological sites are identified and affected, DelDOT will make a reasonable effort to avoid these sites or to minimize applicable impacts. If the eligible sites cannot be avoided, DelDOT will apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5 and traditional or alternative forms of archaeological mitigation would be utilized. These are addressed in the Final MOA (refer to **FEIS Appendix C**).



### **Hazardous Materials**

During final design, the DelDOT Hazardous Materials (HazMAT) Section will make a determination regarding whether or not a Phase I hazardous materials characterization is required. If, during the Phase I site characterization, hazardous materials are found to exceed the Delaware Department of Natural Resources and Environmental Control (DNREC) and/or the Environmental Protection Agency (EPA) reporting requirement limits, the DelDOT HazMAT Team will work with DNREC to document the extent of the contamination and develop a remedial action work plan to effectively limit human and environmental exposure to the contaminants during the construction of the project.

A contingency inspection and monitoring item and worker health and safety plan will be incorporated into the contract bid documents, if required. All work will be undertaken in compliance with the following state and federal laws: *Hazardous Substance Cleanup Act (HSCA)*; *Comprehensive Environmental Recovery and Compensation Liability Act (CERCLA)*; and *Resource Conservation and Recovery Act (RCRA)*.

### **Natural Environment**

Coordination with resource agencies and the development and implementation of minimization and mitigation measures will continue throughout final design and construction. In compliance with Delaware's Sediment and Stormwater Regulations, the amount of nonpoint source pollution from new impervious surfaces that reaches waterways will be minimized by utilizing best management practices (BMPs) and other acceptable stormwater management techniques as determined at the design stage. Surface water and water quality impacts may be mitigated, if necessary, based on coordination with regulatory agencies.

Mitigation of impacts to floodplains will be accomplished by following the general guidelines for the design and construction of culverts and bridges listed in the National Flood Insurance Program. Additionally, the incorporation of stormwater management ponds during construction of the proposed project will meet the standards designed to reduce stormwater flows as required by the *Delaware Sediment and Stormwater Law* and the *Delaware Sediment and Stormwater Regulations*. Open water, wetland, and linear waterway impacts will be mitigated, if necessary, based on function and value assessment and coordination with the regulatory agencies.

While DelDOT is committed to on-going coordination with the Office of Nature Preserves within DNREC, the need for permits is not anticipated regarding the Doe Bridge Nature Preserve because the Selected Alternative avoids any impacts. The Selected Alternative will be constructed in accordance with Delaware's *Landscaping and Reforestation Act*, and mitigation will be performed in accordance with Appendix A of DelDOT's *Road Design Manual*.

Ongoing coordination will be conducted with regard to rare, threatened, and endangered species in the study area. Consultation with the United States Fish and Wildlife Service (USFWS) and DNREC will be required prior to construction to determine the exact location and extent of the buffers around existing Bald Eagle nests and any further site-specific restrictions. A more detailed search for swamp pink, which has been located within some of the stream valleys in the study area, will be conducted along each stream and wetland crossing associated with the Selected Alternative



prior to construction. If an occurrence of swamp pink is found, Section 7 consultation with the USFWS would be initiated.

Many of the state-listed species as well as unique natural communities are associated with the Waters of the United States (WOUS), which are protected under Section 404 of the Clean Water Act. Impacts to WOUS are avoided and minimized in the Selected Alternative, in turn minimizing impact to state-listed species. The project team and DNREC will meet at various points throughout the design process to discuss potential impacts to state-listed species and determine potential avoidance and minimization. Additional coordination with the DNREC's Division of Fish and Wildlife will occur during final design to develop mitigation measures to help protect state-listed species and unique natural communities.

### Construction

Strict adherence to both temporary and permanent erosion and sedimentation controls, as outlined in the current version of the *Delaware Erosion and Sedimentation Control Handbook*, will minimize impacts to nearby water resources from sedimentation during construction. Wherever feasible, erosion control measures will be retained as permanent features in the roadway design. Construction impacts will also be mitigated by performing work adjacent to waterways during periods of low flow. Extreme caution will be exercised to prevent spilling of materials, fuels, and lubricants into waterways during construction. In the event any contractor discharges any contaminant that may affect water quality, the appropriate local, state, and federal agencies would be immediately notified and immediate action taken to contain and remove the contaminant.

Temporary detours and delays to local traffic will occur during construction, along with a temporary increase in truck traffic. Designated truck routes and staging areas as part of the construction transportation management plan will be used to mitigate impacts from construction. Maintenance of the current flow of traffic on the existing roadway network will be planned and scheduled to minimize traffic delay throughout construction. Traffic control measures will use standard practices as defined in DelDOT's *Traffic Controls for Street and Highway Construction and Maintenance Operations*. DelDOT will prepare news releases and schedules of construction activities and make them available to the public.

Air quality impacts from construction will be temporary and consist primarily of emissions from diesel-powered construction equipment and fugitive dust. Emissions from construction activities will be reduced by performing construction activities in accordance with DelDOT's *Road Design Manual*<sup>1</sup> as well as the following BMPs as appropriate:

- Reduction of exposed erodible surface area through appropriate materials and equipment staging procedures;
- Covering of exposed surface areas with pavement or vegetation in an expeditious manner;
- Reduction of equipment idling times;

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<sup>1</sup> Delaware Department of Transportation (DelDOT), *Road Design Manual*, July 2004 (Revisions made on December 13, 2004), [http://deldot.gov/information/pubs\\_forms/manuals/road\\_design/index.shtml](http://deldot.gov/information/pubs_forms/manuals/road_design/index.shtml).





- Reduction of vehicles speeds onsite;
- Ensuring contractor knowledge of appropriate fugitive dust and equipment exhaust controls;
- Soil and stock-pile stabilization via cover or periodic watering;
- Use of low- or zero-emissions equipment;
- Use of covered haul trucks during materials transportation;
- Reduction of electrical generator usage, wherever possible; and,
- Suspension of construction activities during high-wind conditions.

Noise and vibration impacts from construction and additional traffic generated by construction activity will be mitigated to avoid substantial impacts to noise-sensitive land uses. Construction activities will typically be limited to weekday daylight hours, in accordance with local ordinances. Should the contractor need to deviate from normal work hours, DelDOT has mechanisms in place to work with the affected community to minimize impacts from the change in hours. Some potential mitigation measures that may be employed include adjustments to equipment, provision of temporary noise barriers, distribution of noise events, communication with the public, and financial incentives to contractors.

DelDOT will coordinate with the appropriate service providers for any required movements of utility lines. Construction will be phased to minimize service interruptions. All contractors will be required to comply with federal, state, and local laws governing safety, health, and sanitation during the course of construction.

## **L. Permits and Approvals**

### **Wetlands and Waters**

A “Wetlands and Subaqueous Lands Section Basic Application Form” must be submitted to the DNREC Division of Water Resources to receive permits for work in state jurisdictional Subaqueous Lands, including streams and open water, and state jurisdictional Tidal Wetlands, as shown on the 1988 Tidal Wetlands Mapping. Such work may include construction, dredging, filling, or excavation. The Basic Application Form also requests a “Water Quality Certification” under Section 401 of the Clean Water Act from DNREC.

An “Application for a Department of the Army Permit” must be submitted to receive an individual permit from the Philadelphia District Army Corps of Engineers (USACE) for work in federally-jurisdictional Wetland and other WOUS (streams and open waters).

The USACE and DNREC will each issue a public notice of this proposed project, solicit public comments, and conduct a public interest review that includes those comments. Compensatory mitigation will be required for impacts to each jurisdictional resource. The mitigation strategy will be further defined when permit applications are submitted.



### **Coastal Zone Consistency**

Effective December 19, 2006, the National Oceanic and Atmospheric Administration (NOAA) revised the regulations implementing the federal consistency provisions of the *Coastal Zone Management Act* (CZMA) of 1972. In Delaware, oversight is provided by the *Delaware Coastal Management Program* (DCMP). Pursuant to CZMA (15 CFR Part 923), the DCMP was approved by NOAA in 1979. To comply with this regulation, federal activities that are reasonably likely to affect any land or water use or natural resources in the state's designated coastal resources management area must be consistent with the enforceable policies of the DCMP. As such, DCMP will review the project to determine if it is consistent with Delaware's coastal zone management policies.

Because no portion of the state is more than eight miles from tidal waters, Delaware's Coastal Management Area, as defined by the Del. Code Ann., Title 7 Chapter 70 Section 7001-7013, includes the entire State. The DCMP has an approved set of policies, including pre-existing state laws, regulations, and executive orders, for reviewing projects for federal consistency. Because federal funding will be used and federal permits will be required for wetland impacts, a consistency determination from the DCMP is required. DCMP currently prefers to issue the Federal Consistency Statement at the conclusion of the NEPA process; however, under certain circumstances, the Statement will be issued immediately prior to the USACE permit.

Applicants for federal consistency submit a statement of consistency, along with a complete project description and analysis of impacts, to DCMP. The statement of consistency indicates that the applicant has reviewed the Coastal Management Program policies and believes that the project adheres to them.

Following a review, the applicant receives either a "consistency concurrence" or "denial of consistency concurrence." The former indicates that the Coastal Management Program agrees that the proposed project adheres with its policies, and that the project may proceed. The latter means that the proposed project may not proceed until it is modified to follow the Coastal Management Policies.

All agencies with enforceable regulatory programs of the DCMP have been given the opportunity to review and comment on the project. The project will be implemented with all pertinent federal and state permits and other authorizations including the applicable enforceable regulatory policies of the DCMP.

### **Floodplains**

Any increase in the Federal Emergency Management Agency's (FEMA) 100-year floodplain requires a letter of authorization from FEMA. As the result of an increase in the FEMA 100-year floodplain, a Conditional Letter of Map Revision will be requested from FEMA through the submission of an MT-2 Application and supporting hydraulic information, if necessary.



### **National Pollutant Discharge Elimination System (NPDES)**

The National Pollutant Discharge Elimination System (NPDES) regulates the discharge of pollutants, including runoff during construction, into WOUS. The DNREC General NPDES Permit covers discharges during construction activities following the submission of a Notice of Intent form to DNREC. In addition, Delaware's Sediment and Stormwater Program requires construction projects to have approved erosion and sediment control and stormwater management plans. DNREC has delegated the authority to administer and enforce the Sediment and Stormwater Program to DelDOT on DelDOT projects. Therefore, erosion and sediment control and stormwater management plan approval will be granted by DelDOT with the approval of the final plans for construction.

### **M. Public Involvement Program**

The US 113 North/South Study has included a robust public involvement program since the onset of the study. DelDOT, in cooperation with FHWA, has coordinated with local, state, and federal entities and has engaged in an extensive public involvement effort throughout the study process to provide information and solicit feedback. Agency and public involvement began early with stakeholder interviews, the formation of a Working Group, and a program of public outreach, which included mailings to more than 8,000 addresses, radio announcements, a video, a project website, and public workshops and public hearings.

The agency and public feedback received in response to these coordination efforts was used in the development of the purpose and need, alternatives, and environmental analysis and methodologies included in the DEIS, SDEIS, and FEIS. Furthermore, public and agency input has played a major role in the development and advancement of alternatives, including the Selected Alternative identified in this ROD.

The August 2013 DEIS identified the Blue Alternative as DelDOT's Preferred Alternative. Subsequent to the release of the DEIS in August 2013, DelDOT and FHWA conducted two DEIS Public Hearings/Workshops and one SDEIS Public Workshop. DEIS Public Hearings/Workshops were held on September 18 and 19, 2013. The purpose of the hearings/workshops was to update the public on activities that had occurred since the May 2010 workshops, review the Alternatives Retained for Detailed Study, and obtain comments on the DEIS and the Blue Alternative.

Substantial public feedback was received, primarily indicating opposition to the Blue Alternative and the environmental impacts that the alternative would cause. DelDOT considered this public input and identified a new path forward for the project. On October 14, 2015, DelDOT held a Public Workshop at the Millsboro Civic Center to update and inform area residents that the previous Blue Alternative was no longer being considered. Instead, DelDOT changed the focus to a Modified Yellow Alternative. A total of 327 people attended the meeting and 107 comment forms were submitted at the workshop and during the designated workshop comment period. The comments were generally in support of the SR 24 Connector and/or US 113 widening; however, there were many comments that opposed the SR 24 Connector as shown. Based on these comments, several modifications were made to the design of the SR 24 Connector.





The US 113 North/South Study: Millsboro-South Area SDEIS was published in December 2016. The public was provided the opportunity to give feedback on the SDEIS during the official comment period that extended from December 30, 2016 to February 28, 2017. A Public Hearing was held on February 7, 2017 to inform the public of the SDEIS and provide opportunity for oral and written comments. A total of 372 people attended the Hearing, 70 comment forms were submitted at the Hearing, and nine people provided oral testimony. An additional 17 comments were received via letter, comment form, or email during, or shortly after, the official SDEIS comment period. Additional minor modifications have been made to the Selected Alternative based on input received at the SDEIS Public Hearing and during the comment period. The feedback and summary responses to the comments received at the Hearing and during the formal comment period are documented in **FEIS Appendix B**. Additional information is included in **Chapter 4** of the **FEIS**.

## **N. Commitment to Advance Project and Schedule**

In a letter dated September 15, 2017, DelDOT formally requested the FHWA's ROD for the US 113 North/South Study: Millsboro-South Area, and confirmed its commitment to fund the improvements along the US 113 corridor. DelDOT's first priority would be to construct the SR 24 Connector, which includes the new grade separated intersection at US 113. In DelDOT's most recent update to the Capital Transportation Program (CTP) FY 2017 – FY 2023, funding is programmed for the SR 24 Connector and associated grade separation beginning in FY 2018. The CTP includes three phases through FY 2023 for a total of \$104 million. This includes \$4.0 million for Preliminary Engineering in FY 2018, \$15.0 million for right-of-way in FY 2021, and \$85.0 million for construction in FY 2023. DelDOT anticipates that this funding is reasonably expected to be available to begin the project within the referenced time frame.

## **O. Conclusion**

FHWA has reached a decision for the US 113 North/South Study: Millsboro-South Area to select the Preferred Alternative (Modified Yellow) as described in the attached FEIS. FHWA has worked closely with DelDOT to develop the DEIS, SDEIS, FEIS, and supporting technical reports. Based on information included in the DEIS, SDEIS, and FEIS, the Selected Alternative will best meet the Purpose and Need of the project while minimizing environmental impacts.